

MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
CENTRAL VALLEY AUDITORIUM
SACRAMENTO, CALIFORNIA

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9:30 A.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Linda Moulton-Patterson, Chairperson

Jose Medina, Vice Chairperson

Sal Cannella

Steven R. Jones

Michael Paparian

Carl Washington

STAFF

Mark Leary, Executive Director

Julie Nauman, Chief Deputy Director

Kathryn Tobias, Chief Counsel

Terry Jordan, Deputy Director

Jim Lee, Deputy Director

Rubia Packard, Assistant Director

Pat Schiavo, Deputy Director

Frank Simpson, Assistant Director

Scott Walker, Acting Deputy Director

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APPEARANCES CONTINUED

STAFF

Allison Spreadborough

Susan Villa

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PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

PROCEEDINGS

CHAIRPERSON MOULTON-PATTERSON: Welcome to the January 2003 meeting of the California Integrated Waste Management Board.

Would the secretary please call the roll.

SECRETARY WADDELL: Cannella?

BOARD MEMBER CANNELLA: Here.

SECRETARY WADDELL: Jones?

BOARD MEMBER JONES: Here.

SECRETARY WADDELL: Medina?

VICE CHAIRPERSON MEDINA: Here.

SECRETARY WADDELL: Paparian?

BOARD MEMBER PAPARIAN: Here.

SECRETARY WADDELL: Washington?

Moulton-Patterson?

CHAIRPERSON MOULTON-PATTERSON: Here.

I believe Mr. Washington will be down in just a few minutes, but we're going to go ahead and get started. We do have a quorum.

At this time, I'd like to ask everyone to please turn off their cell phones and pagers to avoid disrupting the meeting. And we really appreciate that.

On behalf of the Governor and the Legislature, I'd like to remind everyone to keep conserving energy. We at the Waste Board conserve energy and reduce waste by

1 printing a limited number of copies of the agenda items.
2 They are located at the back of the room if you'd like to
3 see them.

4 Also for those of you in the audience, there are
5 speaker request forms on the back table. If you wish to
6 address any item on the agenda, please fill out a slip
7 with the specific item or number or items that you plan on
8 addressing and give it to Ms. Waddell, who is right here.
9 She'll be kind enough to let us know of your intent to
10 speak.

11 We'll start -- we have a little new lineup here.
12 So we'll start with Mr. Jones.

13 Any ex partes, Mr. Jones?

14 BOARD MEMBER JONES: No, Madam Chair. I'm up to
15 speed.

16 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
17 Cannella?

18 BOARD MEMBER CANNELLA: I'm up to date, Madam
19 Chair.

20 CHAIRPERSON MOULTON-PATTERSON: I'm up to date.
21 Mr. Medina?

22 VICE CHAIRPERSON MEDINA: Yes, I have several
23 phone messages here from Marc Aprea, Denise Delmatier,
24 Josh Ponnay -- I greeted him in the hall -- John Cupps.
25 And the above were in regard to the C&D regs.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you.

2 Mr. Paparian?

3 BOARD MEMBER PAPARIAN: It was a struggle, but we
4 got all the correspondence up to date.

5 I did also talk to Marc Aprea this morning about
6 the C&D regs and also just said hello to Josh Ponnay.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

8 I'd like to ask everyone to join us in the Pledge
9 of Allegiance to the flag.

10 (Thereupon the Pledge of Allegiance was
11 Recited in unison.)

12 CHAIRPERSON MOULTON-PATTERSON: Let the record
13 reflect Mr. Washington is present.

14 Thank you very much.

15 And now we'll go to reports.

16 BOARD MEMBER WASHINGTON: Madam Chair, if I could
17 interrupt you. I do have one ex parte.

18 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.

19 BOARD MEMBER WASHINGTON: That's okay.

20 Mr. Josh Ponnay, who just caught me running
21 through the door, talking about C&D regs again.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you
23 for reporting that.

24 And we'll go to our reports.

25 And we'll start with Mr. Jones.

1 BOARD MEMBER JONES: Thank you, Madam Chair.

2 Just a couple of things. One of our RMDZ zones
3 in the San Joaquin valley has been taken over by the
4 Chamber of Commerce. That was a pretty inactive zone for
5 a long time. And so I went down last week and spoke to
6 their Chamber about opportunities. And hopefully we'll
7 get some feedback from this group. And I appreciate our
8 RMDZ staff putting together some information for me on
9 that.

10 And on January 10th, last Friday, the South Coast
11 Air District heard the final rule making on PR 1133. PR
12 1133, as most of you know, was the initiative in the South
13 Coast that was originally going to require full enclosure
14 of all chipping and grinding and composting facilities in
15 that district.

16 We worked very hard to convince that board that
17 there needed to be flexibility. Otherwise it would kill
18 AB 939. Without a green waste stream, there's no way any
19 city or county could achieve the mandate. So it was a
20 critical issue for us.

21 I want to thank -- I want to personally thank the
22 Chair, Linda Moulton-Patterson, who took the lead on this
23 item and provided the direction to staff and to myself to
24 put together a strategy that was going to help us be
25 successful. She and I testified Friday.

1 I want to thank Bonnie Bruce, Judy Friedman, and
2 Sharon Anderson, Sue Happersberger, Alan Glabe. But I
3 especially want to thank Rachel Morton, Jeff Watson and,
4 probably most of all, Brenda Smith for their work.

5 We, this Board, had to allocate more money with
6 our limited dollars to take air samples of composting
7 facilities down in Orange County. We worked with Art
8 Cazarian's facility down in Irvine. Our staff -- we
9 recognized them I think it was at P&E Committee or one of
10 the committees, the staff from the CDI group, three of
11 those engineers actually participated with Brenda in
12 taking those and saved this Board a lot of money and did a
13 great job.

14 It's that kind of data that we were able to --
15 and our commitment to our compost regs, to our odor
16 minimization plans that allowed that board to concur with
17 the rule that, if lived by, gives us flexibility. If they
18 start to get too prescriptive, we may have to fire up
19 again, because it will be damaging.

20 There is one thing, Madam Chair, if you'll allow
21 me. One of the requirements under the registration for
22 the South Coast -- part of the rule is that every year
23 every chipper, grinder, composter has got to fill out a
24 registration form and turn it into the air district. One
25 of the requirements is to list any odor complaints and any

1 actions taken by the LEA.

2 I would like us, our staff, to address this idea
3 immediately, either through emergency regs or tagging onto
4 our compost regs a requirement that a copy of that South
5 Coast application be forwarded to us by the generator, not
6 by the South Coast, but by the actual operator. And we
7 need to figure out a way to do that as quickly as
8 possible, so that we have that statutory authority. And
9 the reason being is we need to create a database that if
10 there are odor complaints and if there are problems down
11 there, we need to make sure that we understand what those
12 complaints were, who's making those complaints, and what
13 the actions were of the LEA in a concise database.

14 One of the comments we made in our CEQA responses
15 to this rule -- where there were 2,500 complaints in
16 Riverside county for odor issues at composting facilities,
17 mostly co-composting facilities, 1,200 of those complaints
18 were verified. Those 1,200 complaints were made by 10
19 people in a community that had about 400 homes. So 10
20 people generated 1,200 complaints.

21 Nobody had ever gone and looked at the LEA
22 records to see who was making the complaints to try to
23 figure out what the problem was. We need to have that
24 information and make it available to decisionmakers that,
25 you know, what exactly is the extent of the issue.

1 So, Mr. Leary, if the Board would concur in that
2 request, I think we've got to get on this right away, to
3 get a copy of those things. It will be a year out before
4 they're due.

5 CHAIRPERSON MOULTON-PATTERSON: I think that's an
6 excellent suggestion. It's been striking, those
7 statistics.

8 BOARD MEMBER PAPARIAN: Madam Chair.

9 CHAIRPERSON MOULTON-PATTERSON: Yes.

10 BOARD MEMBER PAPARIAN: I just want to make sure
11 I understand. I think what was asked for was a rule
12 making and a change to our regulations to require
13 applicants to submit a duplicate of their application. I
14 want to make sure I'm understanding what --

15 BOARD MEMBER JONES: I don't care what method we
16 use. We do have compost regs that are out that this -- I
17 don't know if it can be attached or not. But I want to
18 make sure that we figure out a way to get a copy of that
19 from those generators.

20 CHAIRPERSON MOULTON-PATTERSON: Mr. Leary.

21 EXECUTIVE DIRECTOR LEARY: Madam Chair, might I
22 suggest that we'll report back to the P&E Committee next
23 month about the logistics of how we might -- with maybe a
24 variety of proposals to how we might try to make this
25 work; given, you know, an understanding that we will reach

1 between now and then with the South Coast about what it is
2 exactly they're requiring and how we might be part of the
3 process.

4 CHAIRPERSON MOULTON-PATTERSON: Well, I think
5 that would be very important. And then before I call on
6 Mr. Cannella, Mr. Jones is much too modest. He was the
7 true leader is this, and I very much appreciate it and
8 thank you. I think our integrity and -- it was really
9 heightened with the South Coast AQMD, Board members. We
10 worked very, very hard with their staff, and our staff
11 worked with their staff. And it was a long process. But
12 it was a unanimous decision and I'm really proud that we
13 persevered.

14 Mr. Cannella.

15 BOARD MEMBER CANNELLA: Madam Chair, at this
16 point I have no report to make.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you.

18 Mr. Medina.

19 VICE CHAIRPERSON MEDINA: No report to make at
20 this time.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Mr. Paparian.

23 BOARD MEMBER PAPARIAN: Yes, several things,
24 Madam Chair.

25 I guess, first of all, Sal, I'm glad you're

1 continuing with us for this meeting. All those nice
2 things I said about you a few weeks ago, I still mean
3 them.

4 (Laughter.)

5 BOARD MEMBER PAPARIAN: I don't take them back at
6 all. In fact I wish -- I'd like to add to them. It's
7 been a pleasure serving with you on this Board, and I wish
8 you the best of luck in what you do next.

9 I spoke to the Industrial Environmental
10 Association and the California Manufacturers Association
11 about E-waste at the beginning of December at a meeting in
12 San Diego.

13 I also toured the Sunshine Canyon Landfill for a
14 briefing on their upcoming permit. One of the things --
15 just so everybody knows, one of the things we're kicking
16 around is the possibility of holding a P&E meeting or
17 workshop in the vicinity of Sunshine Canyon before the
18 permit comes up. I'm going to be talking with the P&E
19 staff about that and about what the appropriate timing for
20 that might be if we go forward with that.

21 I spent some time talking to the people doing the
22 evaluation of the SABRC program. And I think that we're
23 expecting in a month or two to get back the evaluation of
24 the SABRC program in a form that hopefully will be useful
25 enough for us to make some decisions about how we might

1 improve that program and expand on its success.

2 Board Member Medina and I attended the memorial
3 for Rick Best and delivered the resolution on behalf of
4 the Board. I think that was very well received by Rick
5 Best's family. It was quite an event. Several hundred
6 people showed up to pay their respects. And I think the
7 resolution from the Board was very much appreciated.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you both
9 for doing that.

10 BOARD MEMBER PAPARIAN: On other matters, I'd
11 like to thank Romel Pascual, the Environmental Justice
12 Coordinator of Cal EPA for his assistance in quickly
13 taking a look at questions about EJ, Environmental
14 Justice, issues involving the Bradley Landfill item. I'll
15 talk a little bit more about the Bradley Landfill item I
16 think in my report for the P&E Committee.

17 I'd also like to thank Shirley Willd-Wagner for
18 her ongoing assistance with E-waste and helping putting
19 together background information on product stewardship.

20 And at the Budget and Admin Committee, we heard a
21 report from Rubia Packard's office. And at that time I
22 took special note of Renee Lawver of Rubia's staff, who
23 has been very helpful to me in issues involving improving
24 the environmental performance of this Cal EPA building.

25 On E-waste, I have a NEPSI meeting at the end of

1 January. We're continuing to work on a national solution
2 to the E-waste problem even as the issue becomes a higher
3 profile in California.

4 I'm also continuing to coordinate with Cal EPA
5 and Department of Toxic Substances Control on responding
6 to the Governor's veto message of the E-waste legislation
7 last year.

8 Secretary Hickox, Director Lowry and I are going
9 to be touring the Hewlett-Packard facility in Roseville
10 later this month. And we'll be meeting with
11 representatives of Hewlett-Packard to talk about their
12 recycling efforts.

13 Also, the Cal EPA website has been updated and
14 now includes not only a transcript of the November 25th
15 E-waste forum that we held here in this building, but also
16 it includes copies of the letters from the various
17 stakeholders who attended that forum who had comments to
18 make about directions California should take on E-waste.

19 And then, finally, I'm very pleased to announce
20 that Sue Kumpulainen and Donnell Duclo have joined my
21 office. They had been working for Mr. Cannella and prior
22 to that with Senator Roberti, but they've joined my office
23 in the last couple weeks. We're very pleased to have
24 them.

25 And as I also announced last month, Peggy Farrell

1 is now serving as our committee analyst. So you can't
2 quite see her. She's stuck back here now instead of in
3 the audience; but is doing really good work in the role of
4 committee analyst.

5 So I've got a great team in place with them and
6 Kit Cole for 2003.

7 CHAIRPERSON MOULTON-PATTERSON: You certainly do.
8 Thank you.

9 Mr. Washington.

10 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.
11 And just a couple of things.

12 I'd like to announce that I did have the
13 opportunity on Friday of last week to go down and visit
14 the Bradley Landfill and Recycling Center. Staff was
15 there. Mark -- he's over there talking now, but he's been
16 absolutely great in terms of assisting myself and my staff
17 with understanding the Bradley Landfill issue. And I
18 really want to appreciate and thank him for his assistance
19 in coming down and being with me through the process. I
20 had a chance to see birds eat other birds and all that
21 good stuff and share them. And it was pretty exciting to
22 be there. So thank you, Mark, for the excellent work
23 you've done in assisting my office with the Bradley
24 Landfill issue.

25 And then I too, like Mr. Paparian, like to

1 announce that I have an added addition to my staff,
2 Kristina Gin. Raise your hand, Kristina. She came from
3 Public Affairs. Very exciting employee. And we're
4 looking forward to moving forward in our office.

5 Thank you very much.

6 CHAIRPERSON MOULTON-PATTERSON: Great. Thank
7 you, Mr. Washington.

8 As we begin the new year, one that certainly
9 starts with a little fiscal uncertainty, I thought it
10 might be appropriate to share some thoughts with you about
11 what the Board has accomplished and where we're headed to
12 put things into perspective at the beginning of the year.

13 Some of you are listening to our webcast, our
14 staff here in the Cal EPA building and other parties
15 through the Internet. This is an important comment about
16 the Board's public process, something that we tend to take
17 for granted because of the excellence of our technology
18 applications here at the Board. But it is a significant
19 achievement that has opened up our deliberations to many
20 who cannot attend our meetings on a regular basis.

21 So I'm speaking to all of you.

22 Today our vision of California is much sharper
23 than it was nearly four years ago when Governor Davis
24 first appointed me to the Board. In 1999, the Board sent
25 a 10-year anniversary report to the legislature titled

1 Achievement, Progress and Promise," in which we extolled
2 the hard work of local government, private industry, and
3 the Board in implementing the Integrated Waste Management
4 Act and its pinnacle requirement, reducing California's
5 disposal burden 50 percent in 2000.

6 We didn't know for certain then that our
7 predictions of achievement would be so accurate. Today,
8 nearly a year after beginning our deliberations over local
9 agencies' Year 2000 diversion accomplishments, the future
10 is here and it is clear. California has created a new
11 materials management economy, based on the conservation of
12 resources in place of the disposal-based waste management
13 system of the past.

14 One hundred eighty-five cities, counties, and
15 regional agencies have met or exceeded the requirements of
16 the act, posting diversion rates of 50 to 85 percent in
17 2000. Some have already set their individual diversion
18 goals higher. Another 46 jurisdictions have met the goal
19 through good-faith efforts.

20 In July the Board hosted and our industry,
21 private agencies, environmental partners sponsored a
22 special event to honor the diversion accomplishments of
23 local jurisdictions. At that event Board Member Jones and
24 I toasted your achievements. And I know that all my
25 fellow Board members join me in appreciation of your

1 dedication and success.

2 The Board has an outstanding record of assisting
3 local agencies. And I want to reaffirm our commitment to
4 help those 96 jurisdictions that have asked for and
5 received additional time to meet the goal and to all other
6 jurisdictions that have not yet reached it.

7 Our vision is improved and focused through the
8 lenses of our strategic plan which the Board adopted at
9 the end of 2001.

10 It's a road map to the future that will guide our
11 efforts in key areas, including sustainability, product
12 stewardship, energy recovery, environmental justice, and
13 the safe disposal of waste.

14 Through our strategic plan we have also
15 introduced the concept of zero waste into our vocabulary,
16 a move that has given the Board some recognition and that
17 sets the stage for an uncertain yet certainly exciting
18 future course.

19 Zero waste maximizes recycling by ensuring that
20 products are made to be reused, repaired or recycled.
21 Zero waste involves utilizing the most effective
22 processing and manufacturing practices to efficiently
23 conserve the use of raw materials, including the design
24 for efficiency and consumer education, along with
25 promoting technology, to encourage source reduction on the

1 front end and recycling along with other technologies at
2 the back end.

3 This is the foundation of a new direction for the
4 Board, one in which we no longer talk or think of
5 ourselves in the context of waste.

6 We have many priorities before us this year,
7 including our evaluation of the environmental and economic
8 impacts of developing conversion technologies required by
9 Assembly Bill 2770; development of a new framework for
10 handling E-wastes which the Governor asked for in vetoing
11 legislation last year, and Mr. Papanian is aptly handling
12 for us; completing our environment performance study of
13 landfills, and the companion look at emerging technologies
14 that could serve to improve our landfills' regulation;
15 updating our five-year tire plan and implementing the new
16 tire hauler requirements and manifest program;
17 implementing the school diversion and environmental
18 education law, including school waste diversion
19 activities, along with state agency diversion programs and
20 buy-recycled campaign; continuing improvements in the
21 disposal reporting system in response to our SB 2202
22 report; redesignation of recycling market development
23 zones to ensure that good work carries on; vigilance on a
24 number of fronts related to organics, such as persistent
25 pesticides and Sudden Oak Death as well as continuing our

1 collaborative efforts with the South Coast Air Quality
2 Management District to develop best management practices
3 for controlling emissions from compost operations; and
4 continued collaboration with our partners in the border
5 region to improve education and waste management
6 operations. And I might say that Mr. Medina has taken the
7 lead on that and has done an outstanding job.

8 Our strategic plan, as I said, is our road map
9 for achieving our vision. Yet a plan is only as good as
10 its results. So I ask you to join me as we take the
11 necessary steps to implement our plan, reaching for our
12 goals.

13 I'd like to take this opportunity to thank a few
14 individuals whose efforts and support have been
15 instrumental in assisting the Board in its achievements
16 and who we will continue to count on in the future.

17 Senator Byron Sher, who had the foresight to set
18 our waste diversion goals so high. Without his vision and
19 leadership in the Legislature, California really would
20 have a garbage crisis.

21 Governor Davis and the Legislature, who have
22 supported the Board with the resources we've needed to
23 accomplish our mission.

24 Secretary Hickox, who has steadfastly encouraged
25 a cross-media approach to our environmental

1 responsibilities.

2 And to my fellow Board members, always willing to
3 roll up their sleeves and wrestle with a host of issues
4 whose complexity never ceases to astound me.

5 Local government, which has embraced the waste
6 reduction challenge as their own and made remarkable
7 progress toward and, in many instances, beyond the
8 50-percent goal.

9 Business, industry, and environmental
10 organizations, that have stepped up to assist local
11 government with new and improved diversion programs with
12 public education efforts.

13 And our staff here at the Board, the most
14 dedicated, supportive staff I've ever had the pleasure of
15 working with, who make it so much easier for to us do our
16 job as Board members.

17 It will continue to take all of us working
18 together to accomplish the new direction we have begun.

19 And thank you for allowing me to have the few
20 moments to make these comments.

21 And with that I will turn it over to Mr. Leary
22 for his report.

23 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
24 Chair. You're a tough act to follow. Thank for very much
25 on behalf of staff for the very positive comments you've

1 made in reference to our efforts over the past year.

2 And speaking of staff, I'd like to take this
3 opportunity to announce a couple of appointments that have
4 been made since we last met.

5 Julie has been serving ably as the acting chief
6 deputy. And it's with great pleasure that I've been now
7 able to appoint her permanently. And so Julie Nauman is
8 now our permanent Chief Deputy Director.

9 And another vacancy that was again very ably
10 filled by Shirley Willd-Wagner, who we owe a great deal of
11 thanks for her hard work in serving in the acting
12 capacity, has now been filled by Mr. Jim Lee, who has
13 joined the executive team as the Deputy Director for the
14 Special Waste Division.

15 And with that, I'd like to begin this morning to
16 have a brief summary of what the Governor's budget
17 proposes for this Board for the Fiscal Year 2003 and 2004.

18 The Board's total budget is \$115 million. The
19 budget provides a net increase in the number of authorized
20 positions of 16.5 positions, for a total of 490.5
21 positions in Fiscal year 2003-2004.

22 The highlights of additional funding for the
23 coming year in positions include \$1 1/2 million for the
24 Integrated Waste Management Account for the periodic
25 statewide waste characterization updates, \$1.5 million in

1 the Integrated Waste Management Account to increase the
2 number of household hazardous waste grants, bringing our
3 total authority in that to \$4.5 million. Six hundred
4 forty thousand dollars, the Integrated Waste Management
5 Account to expand our very successful Landfill Closure
6 Loan Program.

7 The budget also proposes shifting \$116,000 for
8 the support of the Board's border program from the General
9 Fund to the Integrated Waste Management Account, thus
10 relieving the Board of any relationship with the General
11 Fund.

12 And then finally we'll have 18 1/2 new positions
13 for Budget Year 2003-4 and an additional \$821,000 in
14 expenditure authority out of IWMA and a tire recycling
15 fund to fund those positions.

16 Lastly, the budget includes loans from our
17 reserves to the General Fund, with transfers of \$15
18 million from the Tire Recycling Fund and \$2 million from
19 the Integrated Waste Management Account. Again, those are
20 out of our reserves and do not affect our expenditure
21 authority for the coming year.

22 This is just the beginning of what promises to be
23 a kind of uncertain budget process. T. J. and I -- Terry
24 Jordan, I should say for the uninitiated -- will continue
25 to keep you updated on the developments. And of course if

1 you have any questions, Terry and I will be happy to try
2 to address them.

3 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
4 Leary.

5 I did have two more announcements. First of all
6 I would like to introduce as of tomorrow our very newest
7 Board member, Cheryl Peace.

8 Cheryl, would you please stand.

9 (Applause.).

10 CHAIRPERSON MOULTON-PATTERSON: Thank you,
11 Cheryl. We're going to miss Mr. Cannella a lot. But I
12 can't tell you how happy we are to have you, and we really
13 look forward to working with you.

14 Tomorrow at approximately 11:00 a.m. Secretary
15 Hickox will be swearing in Ms. Peace. And we'll have a
16 little reception, and of course you're all invited. And
17 hopefully you can get to know her then.

18 So thank you for joining us today.

19 Also I would like to announce the election of new
20 committee chairs that took place last week.

21 P&E, Mr. Paparian was reelected to that important
22 position.

23 And Special Waste, Mr. Medina is now the chair of
24 that committee.

25 Mr. Jones was reelected to DPLA. And I'd like to

1 thank Mr. Jones publicly. When we were really stuck and
2 just starting up, Mr. Jones stepped to the plate and took
3 two committee chairmanships, and it was a lot of work.
4 And we really appreciate that, Mr. Jones.

5 And for our Budget and Admin Committee Mr.
6 Washington's our new chair.

7 So thank you for your commitments.

8 And I think the days that those meet -- would you
9 just run through them, Mr. Leary, because I know we made
10 some changes, for the public.

11 EXECUTIVE DIRECTOR LEARY: Certainly, madam
12 Chair.

13 The Permitting and Enforcement Committee meets on
14 Monday starting at 9:30. The Special Waste Committee
15 meets on Tuesdays. Again, these are a week before the
16 Board meeting. Starting at 930.

17 The Budget -- the Diversion, Planning and Local
18 Assistance Committee meets the morning of the Wednesday in
19 the week preceding the Board at 9:00 o'clock.

20 And then at 1:30 that same day, again Wednesday,
21 the Budget and Admin Committee meets to discuss budget and
22 administration items. And as part of that we also do
23 our -- what used to be our public agenda review is now
24 combined in our Budget and Admin Committee. So that as
25 the last item of the Budget and Admin Committee we review

1 the Board's agenda and talk about items that will be
2 placed on consent and address any questions the Board or
3 stakeholders may have at that point.

4 Thank you, Madam Chair.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

6 We will have a closed session. And it will be
7 held Wednesday, tomorrow. And the exact time of that will
8 be announced. We'll see where it fits in best. It might
9 be, if it's convenient for our Board members, at the very
10 beginning tomorrow. We'll see how it goes today.

11 I did want to just take a brief moment before I
12 go over the items to be heard today. Item 38, the Bradley
13 landfill, was continued until March. But we have Senator
14 Alarcon, who has joined us today and would like to say a
15 few words. And I would like to give him the opportunity
16 to come up and address us.

17 Welcome. Thank you for coming over.

18 SENATOR ALARCON: Thank you, Madam Chair.

19 Well, I want to thank you for extending this
20 matter. I want to share with you that prior to being a
21 State Senator I was a city councilmember for the district
22 that has the Bradley Landfill. And there's a lot of
23 confusion in the community. And so I think that before
24 any action to move forward with this idea, it is
25 appropriate for the Board to have a period where the

1 community can be more fully informed.

2 Specifically I would ask that the Board conduct a
3 hearing -- an official hearing, not just workshops
4 conducted by Waste Management.

5 All objectivity has been lost in the community.
6 There is no opportunity for the community to support this
7 project without your objective participation.

8 I want to share with you that when this was
9 presented to me back in 1998 it was presented simply as a
10 regrading. Now we're talking about 11 million cubic yards
11 of additional waste. That is not a regrading. A
12 regrading was I thought purposeful to improve the water
13 flow of the engineering of the site itself.

14 I want to share with you, I live two blocks from
15 the site. And so I can tell you that from my side, across
16 San Fernando Road, there's much improvement and room for
17 improvement of the visual impact of the site. I can
18 literally see it from my mother's house.

19 And so I would ask that not only -- I understand
20 if you were going to vote today, I'd ask you to vote
21 against it. But since you've delayed this matter for 60
22 days, I think it would be absolutely appropriate to have a
23 hearing or subcommittee hearing. In fact I'll even go
24 pick up Carl on the other side of L.A. and bring him to
25 Sun Valley to have that hearing. So I'd be happy to work

1 with you to set up the hearing.

2 Again, this -- the community initially was
3 confused by the two requests, the larger 43 foot height
4 expansion with this smaller conformance and what, no
5 matter how you look at it, amounts to an expansion in
6 their eyes.

7 And so with that, I would appreciate your
8 assistance. I'll be happy to work with you to conduct
9 some kind of appropriate hearing or workshop with the
10 community, but to be conducted by this Board.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you,
12 Senator. And I think it would be entirely appropriate for
13 us to have a public hearing in the area. This year
14 because of financial constraints we have cancelled our
15 out-of-town Board meetings. We're going to be all in
16 Sacramento. But that is really unfortunate, because we
17 are a statewide board and I don't think it's fair that the
18 people who can least afford it, make a trip up here.

19 And, you know, so often we hear from the
20 lobbyists and we don't hear as much from the citizens.
21 And coming from local government myself, I think that it's
22 incumbent upon us to schedule that public hearing. And
23 perhaps you're office can work with Mr. Leary or my office
24 and we will do that. And I very much appreciate you
25 coming forward.

1 Did anyone else wish to speak to -- Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Yeah, Madam Chair. Yeah,
3 I think we should explore whether -- if such a hearing
4 were to take place, or a workshop, whether it might be the
5 Permitting and Enforcement Committee will plan --

6 CHAIRPERSON MOULTON-PATTERSON: I think that
7 would be fine if you had that. But I would invite every
8 Board member to attend because I think this is an
9 important issue.

10 BOARD MEMBER PAPARIAN: Yeah, as I mentioned
11 before, we're considering something similar for Sunshine
12 because of their permits coming up. So --

13 SENATOR ALARCON: You could do both. Same
14 neighborhood.

15 BOARD MEMBER PAPARIAN: Yeah. And that's
16 actually --

17 SENATOR ALARCON: We have 35 landfills in the
18 northeast San Fernando Valley. If you can't do a hearing
19 there, you ought to move the office down there. But I --
20 I'm being facetious, but this is the highest concentration
21 of landfills I believe in the entire nation. And so I
22 think it is incumbent on the Board and notwithstanding the
23 budget dilemmas, that in fact the issues of landfills will
24 be longstanding long -- much longer than the budget
25 crisis. I'd be happy to pitch in with some majority whip

1 funds if you need to help take care of some of your costs.

2 But quite frankly, I do appreciate your offer in
3 whatever shape or form it is. I think it's critical
4 however that it be the Board that is conducting the
5 workshop, hearing, however you want to do it. The
6 community is completely at a loss on this particular
7 issue. They all know they're absolutely opposed to the
8 43-foot height request. But I don't even think there's a
9 broad understanding of what the specific request is. And
10 so I think they're owed that much.

11 BOARD MEMBER PAPARIAN: Yeah. I went down
12 there -- when I learned of the level of concern, I went
13 down there last Friday, along with Ms. Farrell from my
14 staff. And we met with a number of the community groups
15 and leaders. And I was impressed with their, you know,
16 depth of knowledge, their commitment to their community,
17 their desire for a better quality of life in the
18 community. You know, at that point we thought we were
19 going to have a hearing today, as you know, on this
20 matter.

21 Fortunately Waste Management actually is the one
22 who requested the waiver of time. I think they recognized
23 that there was some community work that they needed to do
24 to help people understand what was going on with their
25 facility.

1 The interesting thing to me is, you do have
2 Sunshine Canyon close by. Certain things are going on
3 with regards to Sunshine Canyon. And I think it's very
4 important, especially given the, you know, the different
5 demographics of the communities around the two landfills,
6 that the community around Bradley be given the same
7 opportunities that the community around Sunshine Canyon
8 has.

9 One of the things that happens around Sunshine
10 Canyon is there is a community advisory committee. In
11 that case it's appointed by the two affected supervisors.
12 I don't know what the comparable situation would be since
13 Bradley's in the City, but in my conversations with Waste
14 Management I know that they appear willing to support
15 establishment of a community advisory committee.

16 And I'm not suggesting that to replace any type
17 of workshop or anything we would have. But I think in
18 terms of getting basic information out there about what's
19 going on and having a regular forum for finding out, you
20 know, what permits are coming up, getting basic questions
21 answered about why there might be more trucks coming in or
22 fewer trucks or whatever the issues might be, having a
23 regular scheduled community advisory committee is
24 important.

25 Because one of the things I learned from talking

1 to folks from the community is they don't have a regular
2 source of information. They don't really have a real
3 channel for information about what's going on with this
4 facility affecting their community.

5 So I'm hopeful that, you know, such a committee
6 could be established and through, you know, regular
7 meetings and communications could inform the community
8 about what's going on.

9 SENATOR ALARCON: Well, let me -- I appreciate
10 that comment. And I recognize that there are
11 opportunities for Waste Management to work with the
12 community in different ways that have not been presented
13 before. The City of Los Angeles established under charter
14 changes a neighborhood council system. There is a Sun
15 Valley Neighborhood Council. I would urge you to work
16 with that group as the official entity and partner with
17 the City of Los Angeles. In fact, the City of Los Angeles
18 frankly needs to participate in this process as well
19 because of their role and frankly I believe they could
20 have done a better job of informing the community in this
21 particular case as well.

22 But I do want to say that this is a good
23 community. I served and had the Lopez Canyon Amenities
24 Fund. We had \$6 million that was paid in order to keep
25 that landfill open until we were able to close it.

1 I can tell you that this community is very
2 sensitive to anything that looks like a payoff. And so we
3 have to make sure that in working with the community, that
4 in fact there is mitigation of longstanding issues related
5 to landfills.

6 This is a community that is clearly a classic
7 case of environmental justice. And I'm not just talking
8 about the landfills. I'm talking about whether it be
9 railroad tracks, industrial uses. Everything you can
10 imagine. And so I think that we have to be careful. But
11 I do think that if there's any chance at all for Waste
12 Management's request to be supported by the community,
13 that there would have to be some kind of shortening of the
14 term of the permit as well as working with the community
15 to make sure that the site becomes a positive benefit to
16 the community as opposed to negative with relation to
17 being a landfill.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you.

19 Any other questions or comments for Senator
20 Alarcon?

21 Mr. Washington.

22 BOARD MEMBER WASHINGTON: I guess, Madam Chair,
23 just a brief comment. I want to thank the Senator for
24 coming over. And I enjoyed my opportunity to serve with
25 him over in the Legislature as well as working with him as

1 a council member.

2 I think it goes a little further than just
3 holding a hearing. And I think Mr. Paparian and certainly
4 Senator Alarcon have just said it. That what I've
5 discovered as it relates to the public, and I think it
6 should be very clear, that the public feel left out of the
7 process. Something happened, something went wrong, where
8 public was left out. And talking with the LEA down there
9 and being informed when the permit was given to the
10 Bradley landfill, that they did have two public hearings
11 but they were in downtown Los Angeles, which probably half
12 the community couldn't get there anyway during the process
13 of issuing these permits to the Bradley Landfill.

14 One of the things that did happen, as Mr.
15 Paparian said, that Waste Management acknowledged that
16 something occurred down there. And what I told them
17 Friday when I was there is that I believe they created a
18 public monster by not having -- by in good faith not
19 having a public hearing regarding what they were trying to
20 do. That's why this thing is totally messed up, that's
21 why it's the way it is right now, is because they didn't
22 go in good faith and have a public hearing to say, "This
23 is what we want to do."

24 As an elected official, and I certainly -- in
25 speaking with the Assemblywoman down there and now with

1 the Senator, they have legitimate concerns. And we need
2 to make sure, and I don't know how we do it, Madam Chair,
3 and perhaps staff can help us figure out how we can make
4 sure that those LEAs, wherever they come from, before a
5 permit gets to us, to make sure that there was some
6 good-faith effort made or perhaps some kind of regulation
7 or even if we have to go to the Legislature to see if we
8 can run legislation that says that before this Board can
9 approve a permit, that we have to see that there has been
10 two or three public hearings, that it's not meetings
11 conducted by the LEA down in those local jurisdictions.

12 I don't know how it works. I don't know if it's
13 possible to be done. But I do know that somehow there was
14 something missed in this process where all the confusion
15 is taking place. And going there, speaking with the
16 community, a gentleman who Waste Management had there as
17 their buffer to talk about, and I don't mean in a negative
18 sense, but it was a gentleman there who represents the
19 community, he represents a group from the community, who
20 even said while we were sitting in the meeting, "Now, I'm
21 confused." And that raises a lot of concerns to me. And
22 Mark will tell you, I made these same comments right there
23 in that meeting, that something is wrong here.

24 And I don't know what this Board can do in terms
25 of making sure that the stakeholders, which are the

1 community folks out there, understand each and every
2 permit that is being issued to those different companies
3 who wants to do business down in these folks'
4 neighborhood. We have to do something to make sure that
5 the community is always a part of the process. And it was
6 missed there.

7 So I certainly look forward to the hearing and
8 making sure that the community is aware. And to me most
9 of it is just a misconception and people don't really
10 understand what's going on. "We thought it was A and now
11 we understand B and C is included." So it's a
12 misconception as to what's taking place. And how do we
13 get to the process in making sure that that doesn't happen
14 again? I'm very interested in knowing that.

15 And I want to thank the Senator for coming over
16 to the building and expressing his concerns about this
17 particular issue.

18 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
19 Washington.

20 Any other questions or comments?

21 Thank you so much. And I assure you that we will
22 hold something, not in the City hall, but in your area.
23 And I -- Mr. Leary can work with someone on your staff to
24 set it up, because I think it's very important that we
25 hear the people that are the most affected by these

1 changes.

2 SENATOR ALARCON: Let me thank the Board for
3 taking so much time. I recognize that you have a busy
4 agenda.

5 Thank you.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you for
7 coming over.

8 Okay. Now to our regular agenda.

9 Item 8 and 23 will be continued to the February
10 Board meeting. And as I stated, Item 38, the Bradley
11 matter, will be continued to March.

12 Item 1, 36, 37, 40, and 42 were heard at the
13 committee level only.

14 Items 34, 51, 54 have been deleted from our
15 agenda.

16 Items 2 through 7, 9 through 17, 18 revised, 19
17 through 22, 24 through 33, 39, 43, 52 minus resolution
18 2003-16, and 53 are proposed for the consent calendar.

19 Items 35, 38, 41, 44 through 50, and 52,
20 resolution 2003-16 only, 55, 56 will be heard at the full
21 Board -- will be heard by the full Board. And item 41 is
22 time certain for 11 a.m. today.

23 I will read the items for consent again and ask
24 if any member wants to pull them.

25 Items 2 through 7, 9 through 17, 18 revised, 19

1 through 22, 24 through 33, 39, 43, 52 minus resolution
2 2003-16, and 53 are proposed for consent.

3 Does any member wish to pull any of those?

4 Hearing none, I ask for a motion.

5 Mr. Jones.

6 BOARD MEMBER JONES: Madam Chair, I'll move
7 adoption to the consent calendar.

8 BOARD MEMBER CANNELLA: Second.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
10 motion by Mr. Jones, seconded by Mr. Cannella, to approve
11 the consent calendar.

12 Would you please call the roll.

13 SECRETARY WADDELL: Cannella?

14 BOARD MEMBER CANNELLA: Aye.

15 SECRETARY WADDELL: Jones?

16 BOARD MEMBER JONES: Aye.

17 SECRETARY WADDELL: Medina?

18 VICE CHAIRPERSON MEDINA: Aye.

19 SECRETARY WADDELL: Paparian?

20 BOARD MEMBER PAPARIAN: Aye.

21 SECRETARY WADDELL: Washington?

22 BOARD MEMBER WASHINGTON: Aye.

23 SECRETARY WADDELL: Moulton-Patterson?

24 CHAIRPERSON MOULTON-PATTERSON: Ayes.

25 Consent calendar is approved.

1 BOARD MEMBER PAPARIAN: Madam Chair.

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Just a quick correction.

4 I think I heard in the list that you read of
5 items we're going to hear today Item 38, which was the
6 Bradley item, which should be very clear to anybody
7 listening.

8 CHAIRPERSON MOULTON-PATTERSON: I'm sorry.
9 That's my mistake. I wasn't reading from the right copy.

10 So we will not be hearing 38 today. It's
11 continued to March.

12 Thank you for correcting me on that.

13 Okay. Before we go to Mr. Leary on the strategic
14 plan -- I think that's our plan today -- Diversion,
15 Planning and Local Assistance Committee have no items.
16 They've all been on consent, the remaining ones. But I
17 would like to give Mr. Jones an opportunity to report if
18 he would like to.

19 Mr. Jones.

20 BOARD MEMBER JONES: No, I think it's --

21 CHAIRPERSON MOULTON-PATTERSON: Okay.
22 Everything's been taken care of.

23 Okay. We're going to go to the full Board Item
24 35. And this is the Executive, Administrative and Policy
25 Committee.

1 Again, congratulations to Mr. Washington as that
2 new committee chair.

3 Is there anything you wanted to report?

4 BOARD MEMBER WASHINGTON: No, Madam Chair, no
5 report.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you.

7 Okay, 35.

8 Mr. Leary.

9 (Thereupon an overhead presentation was
10 Presented as follows.)

11 EXECUTIVE DIRECTOR LEARY: Thank you, Madam
12 Chair. Good morning, members.

13 Agenda Item 35, a status report on Goals 1 and 7
14 of the Board's 2001 Strategic Plan, and discussion of and
15 request for direction on zero waste activities.

16 This is the first of what we anticipate to be a
17 series of agenda items discussing the Board's
18 implementation of the strategic plan. And as the Chair
19 Moulton-Patterson pointed out in her opening address,
20 creating the foundation for a new direction for the Board.

21 Today we'd like to accomplish three things in
22 this agenda item:

23 First, I'd like to start by providing some
24 context and some process for the discussion of the
25 strategic plan moving forward today and in the coming

1 months.

2 Secondly, Rubia Packard will briefly discuss the
3 history of the strategic plan, primarily for our new
4 members. It has somewhat of a history, and I think it's
5 important that we all understand that going into this
6 process.

7 And then, thirdly, Howard will present our
8 general analysis of Goals 1 and 7.

9 By way of context I'd like to first say that I
10 want to make it clear that the staff effort implementing
11 the strategic plan and creating this foundation for the
12 new direction will be led by me. Although Julie and Rubia
13 and Howard and other members of the exec staff and Board
14 staff will be present and present some of the parts of the
15 discussion, leading this effort is clearly I think a job
16 for and the undertaking of the Executive Director.

17 With that thought I think it's only fair that I
18 discuss with you, in its context setting, the bias that I
19 bring to this effort.

20 I was very happy to hear our Chair speak of
21 sharpening our focus as we determine the road map for the
22 future in her opening address. As we define new
23 directions in implementing our strategic plan, my bias
24 will be towards specifics, will be towards precision in
25 determining our actions. When we get to that point in the

1 discussion, I'll be precise in what I bring forward to you
2 as we propose the consideration of new activities. I'll
3 be able to define for you specifically what we hope to
4 accomplish in a new activity, how long it will take, and
5 what resources will be necessary to accomplish that new
6 activity.

7 And it's this discussion of resources that kind
8 of is the third component of this context setting; that
9 is, I believe for the next few years I think we're in a
10 zero sum game. I don't believe we can expect new
11 resources; i.e., personnel, contract money, or anything
12 else for new activities as a result of the budget
13 shortfall.

14 So with the addition of a new effort and a new
15 direction, we should be prepared to decide what existing
16 effort or existing activity we will stop doing to free up
17 the resources for the new effort. These decisions may be
18 difficult. But I will be bringing to you detailed
19 analyses on what we are proposing, why are we proposing
20 it, and why it's important for the Board to consider
21 moving in this new direction.

22 Again, as Linda pointed out in her opening
23 address, we've already got a number of significant
24 activities and priorities for the coming year. So we need
25 to balance the importance of those activities with new

1 activities we might try to take on and the resources that
2 might be available for them.

3 I think it's important to touch on the whole
4 effort of 1133. How many of us anticipated that train
5 coming before it happened and what kind of resources we
6 had to set aside to address that very important regulatory
7 issue for the future of organics in this state? None of
8 us anticipated it, but we absorbed it. We maybe did a
9 little less here and there. And that's the kind of
10 process I envision for this discussion of new activities
11 for the strategic plan.

12 Then I'd like to talk a little bit about how I
13 envision this process moving forward. Over the next three
14 months, much like agenda Item 35, we'll be bringing
15 forward general discussions of all of our goals. We'll be
16 describing what we are doing to implement those goals here
17 today. We'll give you some new ideas for how we may
18 expand those efforts in fulfilling those goals. And then
19 we'll seek your guidance on which preferred options from
20 those menu of potential new and expanded activities that
21 you'd prefer and like to put at the highest priority.

22 After we've gotten feedback on those goals, we
23 will return to you in somewhere around April or May with a
24 prioritized list of new and expanding activities for your
25 consideration, and then for your concurrence, with a

1 detailed explanation of how our system of priorities was
2 developed.

3 With that prioritization we, exec staff, will
4 better define those activities by highest priority. We'll
5 focus their scope. We will define their output's
6 accomplishments. We'll define their timeline. And,
7 finally, we'll identify the resources necessary and where
8 those resources will come from.

9 And as I stated earlier, that identification of
10 resources may entail identifying existing activities that
11 we won't do anymore.

12 But before I turn it over to Rubia to retell a
13 little history of the strategic plan and to Howard to
14 describe the general analysis of Goals 1 and 7, let me say
15 that on behalf of the exec staff, we are excited about the
16 future for this Board. We think there's an opportunity
17 now to do more for Californians in the state of our
18 resource.

19 Can I answer any questions at this point before I
20 turn it over to Rubia?

21 CHAIRPERSON MOULTON-PATTERSON: Any questions,
22 Board members?

23 Thank you, Mr. Leary.

24 EXECUTIVE DIRECTOR LEARY: Certainly.

25 CHAIRPERSON MOULTON-PATTERSON: Ms. Packard.

1 --o0o--

2 ASSISTANT DIRECTOR PACKARD: Good morning, Madam
3 Chair and Board members. Rubia Packard with the Policy
4 Office.

5 As the person that was primarily responsible for
6 helping kind of shepherd us through the process, I'd like
7 to go over real quickly for the Board members that weren't
8 involved what we did, because I think all of us in
9 executive staff just want to keep reminding everyone that
10 it was a very lengthy and collaborative process and the
11 Board members did show a lot of commitment to the new
12 ideas that were in the plan. And we just want to keep
13 reminding people of that.

14 Originally we began the planning for going
15 through the process in October of 2000. So it took us
16 about a year from the first meetings that we had
17 internally to just figure out how we were going to do it.

18 We did focus very much on making it a
19 collaborative process. We wanted to hear from all of our
20 internal stakeholders, meaning staff as well as other
21 boards and departments, particularly in Cal EPA, but
22 others as well; and external stakeholders. We held a
23 couple of workshops in February and March of 2001. And
24 through that entire process we tried to build in the Cal
25 EPA vision that had been provided for us developed by Cal

1 EPA that gave an overall vision for all of the boards and
2 departments in Cal EPA.

3 And we also built in the results from our 21st
4 century policy project, which was a pretty big effort on
5 the part of the Board, prior to beginning this strategic
6 planning process, that involved a couple of huge
7 stakeholder meetings and development of the piece of the
8 vision for the Board beyond the Year 2000.

9 --o0o--

10 ASSISTANT DIRECTOR PACKARD: We used an internal
11 steering committee to guide us through the entire process.
12 And Board members participated on that. We had internal
13 groups that developed plan elements -- the mission, the
14 vision, the values, the goals, et cetera. And Board
15 members participated on those internal groups as well.

16 We brought drafts of each of those elements to
17 the Board for discussion and direction several times,
18 during Board meetings in May, June, August, and October of
19 2001, prior to adoption of the plan in November of 2001.

20 We did get, as I said and as Mark said, input
21 from many stakeholders. Right at the end, in October, we
22 had a group come in, the Tuesday group, which is a group
23 of quite a few representatives from different industries
24 and businesses and chambers of commerce. And I think that
25 how the Board went through that process of listening to

1 their concerns and comments at that time, and resolved
2 some of them but still remained strong to the commitment
3 of the forward-thinking concepts like sustainability,
4 project stewardship, and particularly the zero waste
5 during that process, did show the commitment of the Board
6 to the plan as it had been drafted through the
7 collaborative process that had gone on for the year
8 before.

9 So that was, very briefly, what we went through.
10 It has been a little bit more than a year since we adopted
11 it.

12 --o0o--

13 ASSISTANT DIRECTOR PACKARD: And as Mark said, we
14 will be briefing you on implementation, what we've been
15 doing since November and what we're hoping to do over the
16 next couple of years.

17 Again, today we'll be discussing Goals 1 and 7,
18 which are the goals on -- or the aspects of those goals
19 that deal with zero waste.

20 And then in February we'll come back to you on
21 Goal 2, which is market development, and Goal 4, which is
22 public health and safety and permitting and enforcement.

23 And then in March we'll be hoping to bring to you
24 a discussion of Goal 3, which is public education and
25 public outreach; Goal 5, which is our internal efficiency

1 and effectiveness goal; and Goal 6, which is our
2 environmental justice goal.

3 So with that Howard will take over to talk about
4 the discussion for today.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
6 Packard.

7 Mr. Levenson.

8 MR. LEVENSON: Thank you, Madam Chair. Good
9 morning, Board members. Howard Levenson with the
10 executive staff.

11 What we'd like to do today is run through Goals 1
12 and 7 in terms of their focus particularly on zero waste
13 aspects.

14 --o0o--

15 MR. LEVENSON: In the strategic plan, Goal 1
16 considers increasing our participation in efforts related
17 to resource conservation, waste prevention, integrated
18 waste management, and product stewardship.

19 At the same time Goal 7 incorporates the
20 visionary concept that you've already referred to, Madam
21 Chair, of moving towards a zero-waste California.

22 And in our minds these goals have a lot of
23 relationship to each other, they cross over in many
24 aspects. So what we'd like to do today is focus on the
25 zero waste aspects of these two goals. There are other

1 parts of those goals related to technology development,
2 for example, in the tire area and with conversion
3 technologies that we've brought to you in other items. So
4 today's focus would be more on the zero-waste area.

5 --o0o--

6 MR. LEVENSON: In terms of what does zero waste
7 mean, it means a lot of different things to a lot of
8 different people, and it's used in many ways depending on
9 a variety of contexts.

10 In its simplest form zero waste means reducing
11 the generation of waste in the first place, making
12 products more reusable or more recyclable. And this can
13 be accomplished in a variety of different ways: By
14 redesigning products; by changing purchasing practices,
15 various management practices; certainly by increasing
16 markets. There are a lot of different tools that can be
17 used to move in this direction including more
18 stewardship -- product stewardship, more waste prevention
19 activities, and so on.

20 In a little broader context we can link zero
21 waste in the kind of a solid waste arena with our
22 cross-media efforts that we've been incorporating in all
23 the Board's activities and in line with the Cal EPA
24 vision, where we look at air, water, and energy
25 implications of our activities and decisions.

1 So that what we do in the solid waste arena
2 doesn't cause problems elsewhere and, indeed, may cause --
3 or give us opportunities to solve problems in those areas;
4 for example, in the green building area where we're
5 working on improving indoor air quality or in some of our
6 work on energy generation.

7 --oOo--

8 MR. LEVENSON: So zero waste really is a new mind
9 set for how we look at materials, how they flow through
10 society, and the kinds of decisions we make about them.

11 We've picked four areas to highlight today from
12 Goals 1 and 7. Those areas are procurement, green
13 building, waste prevention, and product stewardship. And
14 we'd like to very briefly highlight some of the activities
15 that have been undertaken over the last year. There's a
16 longer list of those in Attachment 1. And even that is
17 just an initial listing of those activities. And we
18 have -- certainly the deputy directors are here today to
19 answer any more specific questions about any of those
20 programs.

21 After we highlight some of the activities we want
22 to mention some general new directions that we're
23 interested in exploring and get your direction on that,
24 which would then be incorporated into the process that Mr.
25 Leary just described to you, so we'd come back with more

1 details in spring and early summer.

2 Before we get into some of the highlights I also
3 want to note that there is a lot of overlap between Goals
4 1 and 7 and Goal 2 on market development. So that's
5 another reason why we need to take your directions and put
6 them all together into a more detailed assessment and come
7 back to you with specific proposals.

8 --o0o--

9 MR. LEVENSON: In the procurement area --
10 procurement basically means increasing the purchases of
11 recycled content products. And I apologize for acronyms
12 on the slides. It's just those -- that's for space
13 purposes.

14 We've undertaken a lot of different activities
15 over the years. And this has been a linchpin of Board
16 activities since the inception of AB 939. Certainly we've
17 done a lot of work in promoting procurement of our
18 recycled content products by local governments, including
19 the need for local governments that are getting grants to
20 include a procurement policy within their own
21 decisionmaking. And we've done a lot of assistance to
22 them in terms of how to get better procurement of recycled
23 content products.

24 Our state agency buy-recycled program, which Mr.
25 Paparian referred to earlier, involves -- you know,

1 mandates upon state agencies to purchase certain amounts
2 of recycled content products and report back to us. And
3 that's certainly a huge area for us, and we can have a big
4 impact on the market. We have our annual recycled product
5 trade show, which I think most of, you know, attended and
6 been very involved in. And I think the next one is in
7 April in Sacramento. So that's coming up. It will be
8 another huge event for us.

9 We've also done a lot of work on contract
10 specifications. So that the Department of General
11 Services, when it issues contracts for certain products,
12 includes specifications that will have higher standards,
13 standards that may include, for example, recycled content
14 products or some of the other cross-media issues that we
15 wanted to look at. One of our -- one example of that is
16 the incorporation of much higher performance standards in
17 recycled content in modular furniture that's now the norm
18 for the state -- at least is moving to be the norm.

19 We've done a lot of work, as you well know, on
20 electronic waste. Mr. Paparian's led our effort with the
21 National Electronic Product Stewardship Institute and the
22 workshop in November and the follow-up on the legislation
23 and the Governor's veto message.

24 We also have complementary work, for example, on
25 developing guidelines, again for the Department of General

1 Services and others, so that when they purchase electronic
2 equipment, they're taking into consideration the
3 end-of-life problems in terms of waste management.

4 Last year legislation was passed that established
5 an environmentally preferred purchasing task force. And
6 that is being co-chaired by the Board along with DGS,
7 Department of General Services. They've done some initial
8 work, and there'll be more coming on that in the future --
9 in the next year.

10 Okay. That's just some highlights in the
11 procurement area.

12 --o0o--

13 MR. LEVENSON: In the green building area, green
14 building basically refers to designing, constructing, and
15 operating buildings with a positive or environmentally
16 restorative footprint. And there's a lot of different
17 things that can go into this, but it includes the
18 incorporation of recycled content products, designing
19 buildings so that they generate more energy than they
20 actually use, designing buildings so that there's better
21 indoor air quality, you know, for the workers' or
22 occupants' safety and improved productivity, looking at
23 water efficiency issues.

24 And I was in the locker room yesterday and, low
25 and behold, there was a waterless urinal that just was

1 installed. So Cal EPA building, which is a pilot project
2 in this area and involves environmental management systems
3 is doing a lot to move forward in this area.

4 One of the issues in green building is that some
5 of the -- to incorporate some of these design features
6 does cost more up front in terms of initial investments.
7 But the long-term cost savings over the 30 or 50 or longer
8 year lifetime of a building generally more than outweigh
9 though first costs. Yet those first up-front costs have
10 deterred a lot of designers and control agencies from
11 considering including these features. So that's an issue
12 that we have to grapple with.

13 --o0o--

14 MR. LEVENSON: The Board has been a big leader in
15 this area. The Governor issued an executive order in
16 August of 2000 that led to the establishment of a
17 sustainable building task force that we've been very
18 involved in. We were very involved in the design of the
19 Capitol East-End Project, and we had an excellent video
20 produced by the Public Affairs Office that I think was
21 shown to the Board maybe two months ago -- one or two
22 months ago. And I understand that the Capitol East-End
23 Project just received some awards for its high performance
24 standards.

25 We've done a lot of work in terms of grants to

1 local governments and state agencies, training, and we've
2 been involved with the U.S. Green Building Council's LEED
3 program. That's Leadership for Environmental and Energy
4 Design. And that is the program that certifies buildings
5 in terms of how well they're performing on a green
6 building scale. And that's where the Capitol East-End
7 Project attained a gold standard just last week, I
8 believe.

9 In terms of new efforts that we've been working
10 on in the last year or so, we are working with the Green
11 Building Council to expand the Leadership in Environmental
12 and Energy Design program to existing buildings. And
13 that's where Mr. Paparian working on the Cal EPA building
14 and the Environmental Management System projects. So
15 those are all kind of linked together in terms of our
16 efforts there. Also looking at whether we can expand that
17 certification system to residential buildings.

18 We've been working with the design of the CalPERS
19 headquarters and the Franchise Tax Board buildings. And
20 also have done a lot of work with the collaborative for
21 high performance schools. As you know, there's over \$50
22 billion in bonds that have been approved for the building
23 of new schools. So we've been working on how to
24 incorporate these features into those schools. And
25 through the collaborative we have a couple of model

1 schools, Lorin Griset and then the Tahoe-Truckee schools.

2 So those are areas that we've started to work in
3 and could also do more in.

4 --o0o--

5 MR. LEVENSON: In the waste prevention area, not
6 generating waste in the first place, we've had a lot of
7 historical activities, ranging from Cal MEx, the
8 California Materials Exchange Program, through our Waste
9 Reduction and Awards Program, or WRAP, where we recognize
10 thousands of businesses for their efforts. Our local
11 assistance staff have conducted many waste audits with
12 local governments, both of their own operations and of the
13 commercial and residential sectors in those jurisdictions.
14 We've developed model educational programs for the K
15 through 12. We've had household hazardous waste grants,
16 and we've done a lot of work in sustainable landscaping in
17 the sense of using composting and better fertilization and
18 irrigation practices to solve not only used green
19 materials back on site as a product, but also to solve
20 non-point source runoff problems and other water quality
21 problems.

22 --o0o--

23 MR. LEVENSON: We've also been working with
24 businesses and industries on a variety of activities to
25 increase their -- deficiency of their operations. We have

1 planned workshops with the Building Industry Association
2 on better construction and demolition debris management
3 practices. And as Mr. Jones mentioned, the proposed Rule
4 1133 from the South Coast AQMD, the work that we've done
5 on emissions testing is now going to be used to develop
6 information on best management practices for composting
7 operations in order to help them be more efficient at
8 meeting the South Coast regulatory requirements, as well
9 as our own composting regulations.

10 And we're doing similar but not probably as
11 visible work in the area of pesticide contamination,
12 specifically of clopyralid of compost and in working with
13 Sudden Oak Death in terms of research on the efficacy of
14 compost in combating that disease.

15 Mr. Leary mentioned that the proposed budget
16 includes funding for another waste characterization study,
17 which has been a key focus of the Board over the last few
18 years. The last waste characterization study published in
19 2000 indicated that food was about a 6th of the waste
20 stream that was still being disposed. And as a result of
21 that the Board provided a new focus on food scraps. We
22 had a number of projects that you approved funding for,
23 looking at food diversion in public venues; for example,
24 the Indian Wells tennis facility that some of you visited
25 last year, projects at Candle Stick and elsewhere.

1 And last November we conducted the food residual
2 summit here in Sacramento, which had a couple hundred
3 people attending. And you'll be getting more detailed
4 feedback from staff in terms of some of the results from
5 that summit.

6 There's a new waste characterization study
7 proposed for this calendar year and into next year. So
8 the results of that will further enable you to target
9 efforts when those data come in.

10 The last area that we want to highlight before
11 just moving on to some very general directions is product
12 stewardship, which again is one of those terms that has
13 lots of different meanings. But essentially means the
14 involvement of manufacturers and other parties in making
15 products less wasteful at the end of their lives; reducing
16 the use of materials in the development of those products;
17 reducing the use of toxics or other chemicals in their
18 production; and looking at the whole life cycle, if you
19 will, of a product from where materials are extracted from
20 the environment, how they're used in the manufacturing
21 process, and what implications those have for waste
22 management at the end of a product's lifetime.

23 We have a lot of existing efforts that have been
24 undertaken. Certainly, you're well aware of our
25 legislatively mandated programs with rigid plastic

1 packaging containers and newsprint and plastic trash bags.
2 We have an item later today on RPPCs, the plastic
3 containers.

4 Some of our tire management and used oil grants
5 have gone towards research on new products and
6 incorporating those into the marketplace.

7 I've mentioned our electronic waste efforts
8 already. And we've also been involved in working on the
9 national level on a memorandum of understanding on carpet
10 management and getting more recycled content and how to
11 use discarded carpets.

12 And we have the plastics white paper, which you
13 heard presentations on at the end of 2002, and from which
14 staff will be bringing back recommendations in the next
15 few months on where to move in the area of plastics in
16 general.

17 --o0o--

18 MR. LEVENSON: So to come to some potential new
19 directions -- and again these are just general ideas of
20 things we would like to explore, and we would -- if you
21 endorse moving in these directions, then we would come
22 back with much more in the way of specific details and
23 resource implications.

24 In the area of procurement, Mr. Paparian
25 mentioned the assessment by Green Seal of the State Agency

1 Buy-Recycled Program campaign. And that's going to
2 provide a lot of information and some specific
3 recommendations that we feel we can tie together with
4 information from the Environmentally-Preferred Purchasing
5 Task Force that we're co-chairing, and bring all of that
6 information back and as well as some other ideas to you
7 with specific options to increase both state and private
8 sector -- state and local government and private sector
9 procurement.

10 In the green building area, we have the
11 sustainable building task force, which has developed a lot
12 of strategies that have not -- some of which have been
13 implemented, some of which have not. We have the
14 collaborative high performance schools. And together --
15 again, we think that we can put together a series of
16 detailed options for your consideration on how to make it
17 more feasible to make green building features the norm in
18 design and construction.

19 --o0o--

20 MR. LEVENSON: The other two areas before I
21 finish up are waste prevention, where we would like to
22 explore -- and we would be doing this as part of the food
23 residual summit follow-ups -- explore options to increase
24 food diversion, explore more options to make sustainable
25 landscaping the norm. For example, expanding on the North

1 Natomas project we have just got some additional funding
2 from U.S. EPA to develop sustainable landscape guidelines.
3 And also come back to you with new targets for what
4 business and industry sectors to look at in terms of
5 opportunities to increase their -- identify and increase
6 efficiency of their operations.

7 And, lastly, in the area of product stewardship,
8 while we have undertaken a number of different activities,
9 we haven't taken a systematic overview or a systematic
10 look at product stewardship. And what we would like to
11 begin exploring is doing a comparison of existing
12 initiatives at the state, national, and international
13 levels, looking at the applicability of those tools and
14 initiatives to California, and then reporting back to you
15 at a Board meeting or Board-sponsored workshop.

16 --oOo--

17 MR. LEVENSON: These are our four promising
18 areas. And they're -- these general directions that I
19 outlined to you are listed on page 2 of your agenda item
20 under "staff recommendations." If you pick one or all of
21 them for us to do additional work on, again we would come
22 back to you later on in the April-May timeframe with more
23 specifics.

24 The one other issue that I wanted to raise was a
25 broader issue of how the Board wishes to promote the

1 overall concept of zero waste, which, Madam Chair, you
2 spoke of earlier in your opening remarks. There's
3 obviously a broad spectrum of stakeholders who are
4 involved -- local governments, community organizations,
5 environmental organizations, manufacturers, waste haulers,
6 retailers, et cetera, et cetera.

7 We've had a couple of outside proposals that
8 staff has received that would involved conducting
9 workshops for local governments and businesses on aspects
10 or programs related to zero waste that they could
11 incorporate into their planning process or their program
12 implementation. We've also had -- linked to those have
13 been proposals to reward businesses and communities with
14 high diversion rates in some manner. So that's another
15 area that we seek your general direction on.

16 With that, I'll finish. And we have --
17 everyone's here to answer any questions you might have
18 about specifics. And thank you for your direction.

19 CHAIRPERSON MOULTON-PATTERSON: Mr. Levenson,
20 thank you for a great report, and Ms. Packard and Mr.
21 Leary.

22 I hate to interrupt in the middle, but I'm afraid
23 we're going to have to, because the Board will need to
24 take a 10-minute break. And then we've time-certained an
25 item for 11:00 a.m. And so I want to hold to that

1 schedule.

2 But thank you very much, because I know there
3 will be a lot of discussion, and we'll take it up right
4 after.

5 So at this point we'll have a 10-minute break.

6 (Thereupon a recess was taken.)

7 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
8 the meeting back to order please.

9 Mr. Jones, any ex partes?

10 BOARD MEMBER JONES: Denise Delmatier from
11 NorCal, and I think that's it.

12 I did ask my secretary on the CDI stuff to check
13 with staff on comments that we wouldn't normally get from
14 LEAs, stuff like that. So I got copies of some of those.
15 They weren't addressed to me. I just wanted to see what
16 the LEAs and folks were thinking.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

18 Mr. Cannella.

19 BOARD MEMBER CANNELLA: None to report, Madam
20 Chair.

21 CHAIRPERSON MOULTON-PATTERSON: I have none.

22 Mr. Medina.

23 VICE CHAIRPERSON MEDINA: None to report.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

25 BOARD MEMBER PAPARIAN: None.

1 CHAIRPERSON MOULTON-PATTERSON: Yeah, I apologize
2 because I did want to ask two speakers on 35 if they could
3 come back. And if they couldn't, I was going to let them
4 speak. Is Liz Citrino or Gary Liss here?

5 Well, I guess they will be able to come back.

6 Okay. With that we'll move to Item 41.

7 And before we get to that, Mr. Paparian, did you
8 want to make any comments as Chair of the P&E Committee?

9 BOARD MEMBER PAPARIAN: Yeah, just briefly, Madam
10 Chair.

11 We heard several items in the Committee. At this
12 point the C&D item is the only item coming up before the
13 Board.

14 In the consent agenda we approved Item 39. As
15 you know, Item 38 is going to be coming back in a couple
16 months. That's the Bradley item.

17 We directed staff to notice revisions to the
18 proposed waste tire monofill regulatory requirements for
19 an extra 15-day comment period. So that'll be coming back
20 either next month or in March.

21 And we heard a presentation and discussed the
22 closed, illegal, and abandoned site program and the very
23 good work that that program is doing; and their enjoyment
24 of the acronym, CIA, for closed, illegal, and abandoned.

25 (Laughter.)

1 BOARD MEMBER PAPARIAN: And we held a workshop on
2 the Board Strategic Plan Goal 4 in the Permitting and
3 Enforcement Division.

4 In addition, just for your information, I
5 mentioned going down to visit with the Bradley community
6 groups last Friday. Peggy Farrell of my staff visited the
7 landfill. And she also -- it was a good opportunity
8 because the night before Peggy attended the community
9 advisory committee meeting for Sunshine Canyon. It's a
10 regularly scheduled meeting of community members to talk
11 about issues involving Sunshine Canyon. And that
12 committee may end up being a good model for community
13 participation at the Bradley Landfill.

14 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
15 Mr. Paparian.

16 Mr. Washington, did you have any ex partes?

17 BOARD MEMBER WASHINGTON: Yeah, Marc Aprea. We
18 talked about the C&D regulations.

19 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

20 Okay, Mr. Walker. Or, Mr. Leary, did you want to
21 start it off?

22 EXECUTIVE DIRECTOR LEARY: Madam Chair, I'd like
23 to start it off just to touch on something quickly in
24 passing, but Scott brought up as part of the P&E
25 Committee. But I think this is a considerable concern to

1 us statewide, and that's the Exotic Newcastle Disease
2 outbreak in southern California. Since Board Member
3 Washington brought up the passing of our feathered
4 friends, I thought I could piggyback on that and talk a
5 little bit about this very serious contagious, and often
6 fatal, disease which affects species of birds.

7 In this case it's threatening the commercial
8 flocks of chickens in southern California. And as a
9 result, the only way I think to manage this is to actually
10 kill the birds. And there are large numbers of birds
11 being destroyed as we speak. And over a million of them
12 at this point have needed to be disposed.

13 In partnership with Cal EPA and the California
14 Department of Food and Ag, Board staff have been intensely
15 involved with this, even to the point where one of our
16 staff left his home and family on Christmas day to go down
17 to the command center. And that is of course Bernie
18 Vlach, who the P&E Committee heard about.

19 And I would like to add on to the appreciation
20 that the P&E Committee expressed to Bernie for his
21 responsiveness in that situation, and mention it to you
22 all in this setting so that people are aware that the
23 Board is largely an 8:00 to 5:00 organization, but there
24 are times where we'll serve when the bell rings. And so
25 Bernie stepped to the plate and made good things happen.

1 But this is also a very serious disease. And I
2 want to keep you aware of this and keep you aware of our
3 involvement. And also I must say, it involves the
4 cooperation of the LEAs and the cooperation of the
5 industry, who is very involved with the management -- a
6 difficult management chore, I might add, in managing dead
7 birds and large quantities of eggs. And I don't know
8 specifically who from the industry's been involved, but I
9 know they've been very helpful in getting those materials
10 to the landfill and disposed of properly so the outbreak
11 doesn't spread.

12 Anyway, thank you for allowing me to pitch that
13 in there.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Leary. And please give our personal thanks to Bernie.
16 Mr. Walker.

17 ACTING DEPUTY DIRECTOR WALKER: Thank you.

18 Item 41 is discussion and request for rulemaking
19 discussion on noticing revisions to the proposed
20 construction and demolition and inert debris processing
21 tiered regulations for an additional public comment
22 period.

23 The proposed regulations would establish minimum
24 standards and permitting requirements for operations in
25 facilities that handle construction and demolition wastes

1 and inert debris. This is our Phase 1 C&D regulatory
2 effort. We have a Phase 2 effort, which is -- we'll get
3 back into after we're done with Phase 1. Phase 2 will
4 address the disposal facilities.

5 The item before you today presents a summary of
6 the formal comment period for changes to the proposed
7 Phase 1 C&D regulations, as specifically directed by the
8 Board in December, and consideration of a second formal
9 public comment period for changes to the proposed
10 regulations.

11 Staff will be presenting to you:

12 1) Recommendations for some specific relatively
13 minor changes that staff is recommending; and then

14 2) is, staff will be presenting to you options
15 to respond to the comments that we received. It will be
16 up to the Board to decide if they would like to direct us
17 on further changes based on those options.

18 I wanted to remind the Board that final adoption
19 of this regulation package is required no later than March
20 in order to meet the Office of Administrative Law
21 timelines.

22 The Board has one opportunity to direct changes
23 to the proposed regulations, which staff is requesting to
24 be accomplished at this meeting.

25 If the Board cannot meet the Office of

1 Administrative Law deadline, we will have to start the
2 rulemaking process over. And this already occurred in
3 1999 for construction and demolition debris regulations.

4 At this time, I would like to hand it off to Mark
5 de Bie and Allison Spreadborough to provide the remaining
6 staff presentation.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 BOARD MEMBER WASHINGTON: Madam Chair, I had a
9 question for Mr. Walker.

10 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

11 BOARD MEMBER WASHINGTON: You said in 1999 these
12 regulations came before this Board and there was no
13 adoption of them?

14 ACTING DEPUTY DIRECTOR WALKER: There was a
15 different regulatory package, but it was essentially to
16 address construction and demolition debris facilities.
17 And so --

18 BOARD MEMBER WASHINGTON: And so there was no
19 action, and that's why we're back here today with this
20 issue?

21 ACTING DEPUTY DIRECTOR WALKER: Correct.

22 BOARD MEMBER WASHINGTON: Thank you.

23 CHAIRPERSON MOULTON-PATTERSON: Thank you.

24 MS. SPREADBOROUGH: Good morning, Madam Chair and
25 Board members. My name is Allison Spreadborough.

1 Following the December Board meeting staff met
2 with stakeholders in order to facilitate the comment
3 process. The 15-day comment process began on December
4 20th through January 3rd.

5 I will now present a PowerPoint presentation of
6 the material to cover.

7 (Thereupon an overhead presentation was
8 Presented as follows.)

9 MS. SPREADBOROUGH: As Scott Walker has
10 indicated, the following are changes to the December 17th
11 version of the regulations:

12 Addition of the word "not" on the 5th line in the
13 inert debris definition of Section 17381 K.

14 This second change is made for consistency with
15 the transfer processing -- recycling center requirements
16 for deletion of Section 17381.1 B2 for the 48-hour removal
17 of residual material from a C&D recycling center.

18 This third change is the addition of language
19 that clarifies the limitations of the phase-in process
20 whereby temporary permits may only be extended for periods
21 not exceeding a total of two years in Section 17285,
22 Preexisting Permits.

23 And then, finally, amending the word "report" to
24 "plan" in Section 18223.

25 --o0o--

1 MS. SPREADBOROUGH: Staff received 22 comment
2 letters during the 15-day comment period. Two major
3 comment themes remain:

4 Issue A, percentage of residuals for the
5 registration tier; and

6 Issue B, tonnage threshold for the registration
7 tier.

8 --o0o--

9 MS. SPREADBOROUGH: Now, regarding Issue A. The
10 current version of the regulations state: "The medium
11 volume CDI processing facilities" -- that's construction,
12 demolition, and inert processing facilities -- "must have
13 a 20-percent residual limit to maintain a registration
14 permit. If residual is greater than 20 percent, these
15 facilities must move to a full permit."

16 We've received comments in support of this
17 percentage:

18 That without a residual percentage, unlimited
19 amounts of nonrecyclable material will be accepted at CDI
20 facilities.

21 Stringent regulations are needed.

22 C&D is a threat to public health, safety and the
23 environment.

24 And C&D presents an equivalent risk to that of
25 municipal solid waste as seen by remediation of

1 unpermitted sites.

2 --o0o--

3 MS. SPREADBOROUGH: The following comments are
4 taken directly from the 15-day comment letters:

5 San Diego County LEA -- no residual requirement.

6 CRRC -- some limit.

7 San Diego City Environmental Services -- keep 20
8 percent.

9 CWS and San Francisco Department of
10 Environment -- raise from 20 percent.

11 San Luis Obispo Department of Public Works -- 20
12 to 50 percent.

13 Kroeker, Inc. -- 30 percent.

14 Napa Valley LEA -- 30 to 40 percent.

15 National Association Demolition Contractors, San
16 Luis Obispo Integrated Waste Management Authority -- 40
17 percent.

18 And numerous commenters requested 50 percent.

19 --o0o--

20 MS. SPREADBOROUGH: Following are comments in
21 support of a 50-percent residual rate:

22 Local governments require 50-percent diversion
23 through existing adopted C&D ordinances.

24 Senate Bill 1374 (Kuehl) encourages local
25 governments to adopt ordinances requiring 50 to 75 percent

1 diversion of C&D.

2 Fifty percent can be attained by any legitimate
3 C&D facility. And any percent lower would discourage
4 efforts to develop more mixed C&D processing facilities in
5 California.

6 That the small facilities lack the infrastructure
7 initial investment capital to achieve the higher rate.
8 And the commenters are listed at the bottom of the screen.

9 --o0o--

10 MS. SPREADBOROUGH: Following are issues
11 surrounding the application of residual limits:

12 Definition of C&D debris reduces likelihood of
13 putrescible, hazardous, and nonrecyclable materials from
14 being received.

15 State minimum standards adequately regulate
16 operations at any recycling rate, whether full or
17 registration. Local enforcement agencies will provide
18 adequate oversight.

19 This is the first time the Board is imposing a
20 recycling rate for solid waste facilities. No rate is
21 required at transfer processing or MERFs.

22 Local enforcement agencies are concerned with the
23 increase in time spent on inspections to determine
24 compliance with this multi-part test.

25 This time spent will also increase costs to the

1 operators.

2 There will be fluctuations in recycling rates
3 because of the markets and nature of material received.

4 And more handling equals more environmental
5 impacts.

6 --o0o--

7 MS. SPREADBOROUGH: Now, as Scott Walker
8 indicated, here are some options:

9 Leave at 20 percent.

10 Change to 50 percent.

11 Have the rate between 30 to 40 percent.

12 No rate. That's zero percent.

13 Or another, which is, require maximum tentative
14 residual be 100 tons per day.

15 This concludes Issue A.

16 --o0o--

17 MS. SPREADBOROUGH: So Issue B, registration tier
18 tonnage threshold, we have under the current version of
19 the regulations dated 12/17/2002:

20 0 to 50 tons per day is notification tier.

21 50 to 300 tons per day is registration tier if
22 less than 20 percent residual.

23 50 to 300 tons per day, full permit tier if 20
24 percent or more residual.

25 And 300 plus is the full permit tier.

1 --o0o--

2 MS. SPREADBOROUGH: The following are comments
3 received on the tonnage threshold:

4 50 to 100 tons per day at 20 percent, not
5 consistent with transfer processing regulation. This is
6 an area that staff wants you to be aware of. And Mark de
7 Bie will now explain this in greater detail.

8 MR. de BIE: Thank you, Allison.

9 Mark de Bie with Permitting and Inspection. I
10 asked Allison to give me a chance on this first bullet
11 because it deals with an inconsistency with the existing
12 transfer processing regs in these proposed regulations.

13 And what staff wanted the Board to be well aware
14 of is with the current version that's being proposed in
15 these regs, the range for the registration permit would be
16 from 50 to 300 as long as long as the facility maintains
17 the residual rate of approximately 20 percent. If they
18 fail to meet that rate, then they would be required to get
19 a full solid waste facility permit, which would mean that
20 a facility not meeting the 20 percent but only taking 50
21 to 100 tons -- 50, 75, whatever it might be in that
22 range -- would be required to get a full solid waste
23 facility permit.

24 The inconsistency is that a solid waste facility
25 handling MSW garbage, it does not require to get a full

1 permit until they're handling a 100 tons per day. So with
2 this -- with the 50 to 100 range, potentially a facility
3 handling C&D, but not doing the recycling that would be
4 required to maintain the 20 percent, would be forced to
5 get a permit that an MSW transfer station wouldn't need to
6 get until a much higher level.

7 So is there any specific questions about that
8 aspect and the inconsistencies? Certainly a resolution to
9 that would be to move the bottom of the registration tier
10 in these regs to 100 and then have a higher level. That
11 would be a solution.

12 I'll pass it back to Allison for the rest of the
13 bullets.

14 MS. SPREADBOROUGH: I'll just skim through some
15 more of these comments.

16 We have 100 to 500 tons per day, industrial
17 carting.

18 We also have a 300 and 100 ton per day for a
19 lower threshold. That was CIW and the Waste Board's EA
20 section and J.A. Edwards and Associates and San Francisco
21 Department of the Environment.

22 And then we also have a keep-as-is but change
23 residual to 50 percent, by Oakland city.

24 Or no registration tier, 100 tons per day for
25 full permit. That's by CRRC and San Diego City

1 Environmental Services.

2 --o0o--

3 MS. SPREADBOROUGH: Following are options for the
4 Board to consider:

5 Have the tonnage threshold remain the same, which
6 is the 50 to 300 tons per day with a 20-percent residual.

7 Or 100 to 300 per day with more than 20-percent
8 residual.

9 100 to 300 tons per day with a different
10 residual.

11 100 to a higher threshold with a different
12 residual.

13 100 to 300 tons per day with a maximum tonnage
14 disposed.

15 And this concludes staff's portion of the
16 presentation.

17 Are there any question?

18 CHAIRPERSON MOULTON-PATTERSON: Any questions,
19 Board members?

20 I don't see any right now.

21 We have a number of speakers. Are we ready to go
22 to that?

23 Okay. We've had a lot of comment about this one,
24 so I would ask that, please, try and be between three and
25 five minutes. I would really appreciate that.

1 And we'll start with Patrick Munoz for Madison
2 Materials.

3 BOARD MEMBER JONES: Madam Chair?

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: An ex parte. Kelly Astor
6 and Marc Aprea on C&D.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

8 MR. MUNOZ: Good morning.

9 CHAIRPERSON MOULTON-PATTERSON: Good morning.

10 MR. MUNOZ: My name's Patrick Munoz. I'm here on
11 behalf of Madison Materials. And I've been before you a
12 number of times. At this point -- I'm sorry.

13 At this point, I think that it's fairly clear to
14 all of you what our position is. I don't want to spend
15 too much time reiterating that, other than to point out on
16 the two main issues, that again staff at one point was
17 supportive of 750 tons per day as the limit for the
18 registration tier. Staff was supportive of zero percent
19 residual at that level. Staff moved over time to say 500
20 tons per day. We're okay with that as well, although we'd
21 prefer 750 tons per day. Again staff was saying zero
22 percent residual at that level.

23 We feel as though 500 tons per day was a
24 compromise from the recommended 750 tons per day. We also
25 feel as though a 50-percent residual cap is a compromise

1 from the zero percent residual cap that we would prefer.

2 Again I keep emphasizing staff supports those
3 positions, I believe.

4 Fifty percent as a residual cap is consistent
5 with AB 939. It's consistent with the Kuehl Bill. It's
6 consistent with a plethora of C&D regulations at the local
7 level that have been adopted over the last few years. We
8 would strongly encourage you to consider those factors and
9 to support that position.

10 One new idea that I just saw for the first time
11 10 seconds ago, which I'm actually intrigued by -- I was
12 sitting back here with my calculator trying to figure out
13 how it would work out -- is the idea of a tonnage limit
14 for residual.

15 A hundred tons was the recommendation that I saw.
16 And I did some quick calculations, and I think that that
17 idea has some merit and that you should strongly consider
18 it. Although I would recommend that you consider 150 tons
19 as the residual cap, for the following reason:

20 Under the existing regulations, your staff has
21 already made a determination -- and it's not a
22 controversial issue, everybody seems to agree with this --
23 that in the inert processing arena, that 150 tons per day
24 of residual is not a health and safety threat. And that
25 is for facilities that are completely unregulated. In

1 other words, in the 1,500-tons-per-day tier for inert Type
2 A processing, where there's a 10-percent residual cap, for
3 facilities that are completely unregulated, if you do the
4 math very quickly, you will see that that results in 150
5 tons per day of residual.

6 So getting back to my comment, I think that just
7 for consistency's sake, using that number makes sense.
8 And if you work out the calculations, you'll see that 150
9 tons per day if there was a 500-ton cap, does not create
10 an inordinately high residual cap from a percentage point.
11 It would certainly be a compromise on the 50 percent that
12 we are suggesting. But as you go down in tonnage that you
13 may be taking in at a given facility, it would raise that
14 threshold to 50 percent and perhaps above if you went low
15 enough.

16 So some food for that on that issue. And I think
17 that there's some real merit to that issue -- or to that
18 idea rather.

19 As a general comment, I again emphasize this
20 fight is about competition and it's about market share.
21 It's not even about the merits anymore, we feel. Your
22 staff has done the work. They've told you that the
23 position that we're supportive of does not create a health
24 and safety threat. You know, the proof is sort of in the
25 pudding, as they say, in that for years this niche of the

1 waste stream has not been regulated and there has not been
2 an outcry. There is no public health and safety crisis in
3 this state because of the existing C&D facilities. And
4 from the number of comments you've received from existing
5 operations, it's fairly clear there's quite of few of them
6 out there.

7 And I'll just conclude by saying this is the time
8 for you as a Board to do what's right, to do what's right
9 to maintain and to increase recycling opportunities, which
10 is your mandate under AB 939. I would ask you not to be
11 persuaded by the industry folks who are asking you to do
12 something that will decrease recycling opportunities.
13 They're asking you to do something that will make it
14 virtually impossible for recyclers to operate.

15 Don't be persuaded by union representatives, who
16 we all know don't really care about this issue and are
17 just doing the bidding of those same industry
18 representatives I mentioned a second ago.

19 Don't be persuaded by me. I'm biased. You all
20 know and I've said it before, be persuaded by your staff.
21 They've analyzed this. They've determined that there is
22 not a health and safety threat at zero percent residual at
23 500 tons per day. And they've given you some other
24 alternatives that I think are worthy of your
25 consideration.

1 Thank you.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
3 Munoz.

4 BOARD MEMBER PAPARIAN: Madam Chair, can I ask a
5 couple questions?

6 CHAIRPERSON MOULTON-PATTERSON: Certainly.
7 Mr. Paparian.

8 BOARD MEMBER PAPARIAN: As I understand it -- I
9 didn't get a chance to visit the facility -- but Madison
10 Materials recently installed some new equipment, which
11 presumably would increase the amount of recycled material,
12 right?

13 MR. MUNOZ: Madison Materials started operating
14 in approximately September. The equipment they have is
15 that same equipment they've always had. But it is new in
16 the sense that this is kind of the newest, most modern
17 equipment that's available to use in the recycling
18 industry, the C&D recycling industry.

19 BOARD MEMBER PAPARIAN: Okay. So there's a
20 pretty heavy investment in equipment?

21 MR. MUNOZ: Absolutely.

22 BOARD MEMBER PAPARIAN: Do you have a sense of
23 approximately what kind of residual levels you're seeing
24 right now?

25 MR. MUNOZ: I asked that question the other day.

1 They are recycling -- since September their average till
2 about a week ago was 78 1/2 percent, taking into
3 consideration everything that's been into the facility and
4 everything that's gone out of the facility since it
5 opened.

6 BOARD MEMBER PAPARIAN: Do they cherry-pick their
7 loads at all? Do they have some loads where they decide
8 not to bring it into the gates but send it to the
9 landfill?

10 MR. MUNOZ: This is a brand new business and
11 they're learning. And, yeah, they're starting to do that.
12 They're trying to be more particular about loads, figuring
13 out which loads will have better markets, which loads just
14 aren't worth the effort to try and recycle. There's a
15 concern obviously, which we've all been dealing with, of
16 making sure that they're not getting too much putrescible
17 waste in. We're trying to come up with a methodology to
18 ensure that the materials are actually C&D materials and
19 not other kinds of materials. Well, all those things are
20 going into the mix right now. The goal is to retire
21 recycling levels over time, although that comes with a
22 cost.

23 The person who's managing the facility was
24 explaining to me that he's anticipating that their
25 number's going to go down a little bit in the near future

1 because of some technological things that they're going to
2 try to do to change things. But then that will start
3 going up over time as well.

4 BOARD MEMBER PAPARIAN: Okay. Thanks.

5 BOARD MEMBER JONES: Madam Chair?

6 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: Mr. Munoz, you and I had a
8 conversation the other day after our Committee meeting.
9 And the cured asphalt, the concrete that gets sorted at
10 your facility, how much of that ends up at an engineered
11 fill, something similar to Peck Road or one of the sites
12 that were in question under the Chavez Bill?

13 MR. MUNOZ: I wasn't sure what Peck Road was when
14 we talked about it the other day. And I still candidly am
15 not positive what the Peck Road facility is. I can tell
16 you that those types of materials are going to a place
17 called Ewells Material, which is fairly local. And a lot
18 of those materials are going to a place called the R. J.
19 Noble Property. It's a former mine. And I'm not positive
20 where the other materials are going.

21 BOARD MEMBER JONES: So those are going as
22 engineered fills?

23 MR. MUNOZ: Excuse me?

24 BOARD MEMBER JONES: They go into a facility
25 that's an engineered fill?

1 MR. MUNOZ: Some material -- dirt is going into a
2 facility that -- it's considered a grading operation by
3 the owners. They don't consider themselves any sort of a
4 landfill or an engineered fill site under these
5 regulations.

6 BOARD MEMBER JONES: So I guess the question
7 becomes: No matter what the residual cap is, this Board
8 has never endorsed an engineered fill as being recycling.

9 The Chavez Bill says we don't count it as
10 disposal or recycling, but we have always considered it
11 not to be recycling.

12 So if the materials end up going through a sort
13 and then go to an engineered fill, I don't think that goes
14 to the heart of what the Board members think might happen
15 if we recycle 80 percent of a load.

16 MR. MUNOZ: I'm sorry. Is that a question?
17 I'm --

18 BOARD MEMBER JONES: Well, I'm giving you an
19 opportunity to tell me how much of that stuff gets
20 reground to be road base or other materials that have a
21 positive use other than engineered fills.

22 MR. MUNOZ: The asphalt and concrete materials,
23 as I said a moment ago, are going to a facility called
24 Ewells Materials, which is a concrete plant basically.
25 They're doing exactly what you just described. They are

1 turning that around into usable material for road base,
2 which is I believe their primary end-product, and paving
3 for parking lots, that sort of thing.

4 Very, very clean dirt, which is all that can be
5 accepted at the R. J. Noble site is my understanding, is
6 going to that site.

7 All the other materials that are going through
8 Madison are being sent out to other markets -- wood
9 markets, for instance, in Mexico is one of their largest
10 markets. There are steel scrap businesses in the local
11 neighborhood where this facility is located that are
12 getting quite a bit of the steel material. There's a
13 paper recycling facility adjacent to Madison Materials
14 which is getting their paper and cardboard material.

15 Madison Materials is not using -- that's my
16 understanding of what an engineered fill site will be if
17 these regulations are adopted.

18 BOARD MEMBER JONES: Okay.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Munoz.

21 We have Greg Pirie, Napa County LEA, to be
22 followed by Marc Aprea.

23 MR. PIRIE: Good morning, Chair, members. Greg
24 Pirie, Napa County LEA.

25 And I think the biggest -- I wouldn't say it was

1 an issue, but the biggest concern that I have is mainly
2 the implementation of what we have in the regulation
3 package.

4 You know, ever since the last few months where
5 we've had a lot of changes that have been fairly extreme,
6 I even tried to, you know, get some comment letters going
7 through the entire Bay Area LEAs. And with the time that
8 we have available, I was not able to do that.

9 And it seems like that's throughout the state to
10 where I would call up, you know, several LEAs and say,
11 "Hey, you know, what do you think about these regulations?
12 Can you implement them? What do you think?" And they
13 say, "Well, it's going to be very difficult." And I have
14 yet to speak to an LEA that would say, "Yes, I can deal
15 with these. It would be no problem. Go forward with it."

16 To get a little more specific, activity is not
17 subject to the regulations. There's some difficulty in
18 terms of what the LEA right now on paper would actually
19 have to do at a business -- I'm not even going to call it
20 an operation or facility, because it's not, it would be a
21 business -- and having to go in -- if the owner-operator
22 was subject to where they would have to come to the EA for
23 storage plans, some type of review on that, we would
24 actually have to review that and possibly impose
25 conditions.

1 And the problem that I see is that is even more
2 constrictive than what you would even find in even an EA
3 notification or a registration permit; to where we would
4 be doing more of a discretionary call on that; to where
5 with notification we'd have no conditions, with
6 registration we have no conditions and a permit.

7 So it's going to be very difficult for the EA or
8 the LEA to come into a business, know exactly how they're
9 operating, what their business is, no cost recovery, and
10 be able to not only have enough time to do that to where
11 it would -- you know, in some cases it would take more
12 time than actually dealing with an actual registration or
13 notification facility. So there is a little difficulty in
14 that.

15 And the best recommendation that I could think of
16 is that if the Board actually has an issue with storage
17 and somehow gets to a point to where there's a volume you
18 could deal with or a material, to where you could have a
19 specific item to where you could say, "Okay, at that point
20 you've got to have either notification or registration to
21 where we can go in and say, 'Okay, you have or have not
22 met that.'" And that would be the easiest way that I can
23 see possible.

24 And one other thing real quick. Pre-existing
25 permits, to where the EA or LEA would have to determine

1 within 30 to 90 days what kind of tiers they would be
2 placed in. Some of the businesses you would know exactly
3 what was going on because they could be in -- you know
4 whether a complaint in a past or already operating your
5 site or your county or jurisdiction. But something that
6 you don't know about, somehow we need to put some kind of
7 criteria in there of how the LEA or EAs are going to be
8 able to figure that out.

9 To where if you went and had a request to go into
10 a site, see what kind of tier it is, without having that
11 being an operation or a facility yet, how are you going to
12 figure out -- essentially it could be even from your
13 desk -- how are you going to figure out what they're
14 operating with, their tonnages and everything else to
15 figure out what kind of tier that would be?

16 Another item on the pre-existing permits, the
17 registration, 60 days to apply if you're in that tier.
18 Then of course in registration you're going to be needing
19 to have that site included in your NDFE. So if that is
20 the case, it seems like many of the LEAs that I've been
21 talking to says that's going to take at least, you know,
22 greater than 60 days, maybe 4 to 6 months.

23 So somehow, in your timelines take into account
24 what that would have to be, so you could still make an
25 appropriate call within the timelines that are in the

1 regulations.

2 One of best recommendations that I can make is
3 that if you do have a facility that you have to figure out
4 the tier on, have the business owner come, maybe similar
5 to the EA notification, to where you at least have to have
6 the section that they would have to comply with, tonnage,
7 a number that they would be dealing with to where they
8 could at least have something to put on paper to where an
9 LEA can make a decision off of that instead of having to
10 go into a business that they may not even have been to
11 yet, and try to find that out.

12 And if I was, you know, maybe an owner of a
13 business, I would be concerned with an EA making a
14 determination to where if that isn't correct with the
15 material they had either coming through or tonnages or the
16 type of business that they want, and the EA makes a
17 decision of what tier they should be in. What if that
18 business owner after looking at the regulations after
19 they're approved may not want to do that? And the EA
20 says, "Okay, you know, you should be in this tier" or "you
21 have 60 days for a registration." But they say, you know,
22 "Maybe we don't want to do that. It could be another
23 avenue that we want to take in our business."

24 So those are just a few of the items that I could
25 see in the regulations. But, you know, at any time -- you

1 know, it's not like we're biased to where, you know, we
2 own a facility and we want the regulations to be a certain
3 way. All we want to do is be able to implement what's put
4 in front of us.

5 So any way we can help -- I'm going to be sitting
6 right back there. If you have any other LEA questions,
7 let me know, and I can answer you right now if you have
8 that.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
10 Pirie for taking the time to come.

11 Any questions?

12 Okay. Mr. Aprea representing Aprea and Company
13 on behalf of Republic Services, who will be followed by
14 Gary Liss.

15 MR. APREA: Madam Chair, members of the Board.
16 Marc Aprea representing Republic Services and its
17 California division's Consolidated Disposal, Richmond
18 Sanitary and Taormina Industries.

19 I'm here to urge the Board to require that a
20 solid waste facilities permit for a C&D processing
21 facility be at 100 tons per day; and that there be an
22 enhanced enforcement mechanism, in essence a three-strikes
23 provision, where an LEA finds that there have been three
24 violations in excess of the tiered permit limit, that
25 there be a cease and desist order until that facility gets

1 a full solid waste facilities permit.

2 Madam Chair, members of the Board, it was
3 December 2001; it's been a long time since this process
4 began in San Francisco. And, frankly, you got it right
5 then in 2001 at 100 tons per day, when every member on
6 this Board that was serving then directed staff to go
7 forward with a reg package at 100 tons per day.

8 We are urging the Board to adopt these provisions
9 to ensure that all C&D processors are treated fairly and
10 that regulations do not afford a competitive advantage,
11 that the public health and safety are protected, and that
12 LEAs and the Waste Board may easily and uniformly enforce
13 these regulations.

14 Each Board member today has to balance several
15 factors: Protecting public health, safety, and the
16 environment; to the great extent possible avoiding any
17 competitive bias; ease and consistency of enforcement; and
18 ensuring that the public is not left out of the process.
19 Raising a threshold above 100 tons per day violates all of
20 those provisions.

21 When a load comes into a processing facility, I
22 think it is impossible for anybody to determine whether
23 the source was a traditional municipal solid waste source
24 or whether it was a C&D site. You can't make that
25 distinction with any certainty.

1 For purposes of the LEA and for purposes of the
2 legitimate operator, you don't want to be receiving a load
3 and not understanding what the source of the waste is or
4 having that have some bearing on whether or not they're
5 going to be in compliance with their permit or not.
6 Because the issue in terms of tons per day and residual
7 have a bearing on that very issue.

8 Arguments have been made that the 100-ton-per-day
9 threshold or other thresholds pose a barrier to entry or
10 will force others out of business. Those allegations are
11 purely false. If we look at the transfer station regs
12 that are currently in force and have been in force for a
13 number of years, we know of no circumstance in which a
14 single operator has failed to go into business because of
15 the regulatory process. Nor do we know of a single
16 operator who's been forced out of business because they
17 had to get a solid waste facilities permit.

18 Now, that's not to say that there haven't been
19 people who haven't gotten into the business or people who
20 have been forced out. But it has not been because of a
21 regulatory barrier. It has been because of local land use
22 considerations or because of business considerations. And
23 for folks to come up here and make the argument that 100
24 tons per day is a barrier to entry, they know it's false
25 and we know it's false. And I hope that you'll recognize

1 that it is false.

2 Without a solid waste facilities permit, members
3 of the Board, you'll never see it. You'll never know what
4 the facility looks like. There'll never be a public
5 hearing to address issues of public safety, health and the
6 environment. You'll never have an opportunity to
7 determine whether a 24-truck-a-day facility or
8 25-truck-a-day facility poses a threat to public health
9 and safety. You'll never know because it will allow that
10 operator to apply through a registration tier permit and
11 you'll never have that public hearing.

12 Earlier today we talked about the need to ensure
13 that the public is not left out of the process. Raising
14 the threshold above 100 tons per day does that.

15 We've also suggested based upon our experience
16 with other tiered permits that you not allow people to go
17 in and out of the process. What I'm talking about is
18 someone who applies for a facility permit under 100 tons a
19 day, then goes about operating in excess of that, is
20 caught, promises to do right, operates for a time
21 underneath the threshold again, only to repeat that cycle
22 time and time and time again. You know of those
23 circumstances when those have occurred. And, frankly,
24 that is a large concern of ours, that we will continue in
25 this area to see chronic violators.

1 We would therefore urge the Board, in adopting
2 this regulation package, provide for some kind of a
3 penalty mechanism where a violator, who has violated three
4 times in excess of their permit limit, be required through
5 a cease and desist order to cease operation until such
6 time as they receive a full solid waste facilities permit.

7 Madam Chair, the world's not going to come to an
8 end no matter what you all decide. The question that you
9 have before you is, have you struck the right balance?
10 Have you ensured that there's an opportunity for public
11 input? Are you protecting public health and safety? Are
12 you trying to make this a biased-free regulatory package?
13 Or are you in fact inviting people to engage on the
14 fringes?

15 We would, therefore, urge that you adopt
16 a-hundred-ton-per-day threshold and that you enhance the
17 enforcement mechanisms with the three-strikes provision as
18 we've described.

19 Madam Chair, members of the Board, thank you for
20 this opportunity.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
22 Aprea.

23 Gary Liss representing Industrial --

24 BOARD MEMBER WASHINGTON: I have a -- Madam
25 Chair.

1 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
2 Washington.

3 BOARD MEMBER WASHINGTON: Mr. Aprea, you brought
4 up an interesting point, and I want to go back and visit
5 that just for a second in terms of what happened in San
6 Francisco. Do you remember the dates? You said that was
7 a vote of Board members for 100 tons?

8 MR. APREA: Yes, sir.

9 BOARD MEMBER WASHINGTON: When was that?

10 MR. APREA: I don't have the precise date. I'm
11 sure staff could bring it up for you. It was in December.
12 It was a Board meeting in San Francisco.

13 BOARD MEMBER WASHINGTON: Do you remember what
14 year?

15 MR. APREA: 2001. So it was a little over a year
16 ago. And just as this Board from time to time directs
17 staff to go forward with developing a reg package, it was
18 in San Francisco that the Board then directed staff to go
19 forward with a package at 100 tons per day.

20 BOARD MEMBER WASHINGTON: Okay. And then the
21 issue of -- the three-strikes issue.

22 MR. APREA: Yes, sir.

23 BOARD MEMBER WASHINGTON: How do you get -- well,
24 let me see if I can phrase it correctly.

25 You're saying that the LEAs will -- with the

1 three strikes the LEAs will be able to issue a cease and
2 desist order from those folks who are operating who
3 violate the particular permit structure that you're
4 talking about now. How -- I mean how do they get to the
5 point of figuring out whether three strikes come in?

6 MR. APREA: Well, Mr. Washington, to respond to
7 your question, again assuming someone is operating at a
8 registration tier.

9 BOARD MEMBER WASHINGTON: Okay.

10 MR. APREA: Let's say whatever that limit is.
11 They are then found to be operating -- by the LEA to be
12 receiving more than 100 tons per day. That's at one
13 violation.

14 Presuming that they correct that and go back and
15 operate underneath the solid waste facilities permit
16 threshold at a registration or a notice tier, and then
17 they're found to violate again. On the third violation,
18 that there would be issued a cease and desist order.

19 At three violations we know that this operator is
20 not someone who is either conscious of the volumes that
21 are coming in, doesn't care, or is intentionally seeking
22 to bring a greater volume in than their permit provides.
23 And at that stage then the cease and desist order would
24 issue, shutting that facility down until such time as they
25 got a permit that allowed them to take that tonnage, going

1 through the public hearing process and all the
2 requirements that that entails.

3 BOARD MEMBER WASHINGTON: All right. Thank you
4 very much.

5 Madam Chair, I would just ask if at some point
6 staff or Madam Chair or one of the Board members who were
7 here at the time in 2001 could express the concerns of
8 this Board. Because that raises a great concern for me,
9 that had the Board made a decision of such nature, why are
10 we here today? And I would like to get some response from
11 someone in terms of the comment that Mr. Aprea just raised
12 as it relates to the Board making a decision. And I guess
13 there were four Board members who voted for this 100 tons
14 in San Francisco. Or whatever happened, I would just like
15 to get a response from the staff or Board members as to
16 what took place December 2001.

17 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
18 Washington. Thank you, Mr. Aprea.

19 Mr. Walker. Or did you want to defer to Mr. de
20 Bie?

21 MR. de BIE: Staff has a different recollection
22 of what occurred in San Francisco. Certainly the 100 ton
23 number was part of the discussion that the Board was
24 having in San Francisco. It was based on the initial
25 recommendation from staff on the transition between

1 notification and full permit. There was no registration
2 tier at that point.

3 It's staff's recollection -- and certainly we can
4 go back to the transcripts and confirm that if it
5 continues to be of issue -- that at that time the Board
6 directed staff to consider inserting a registration tier
7 between notification and full. And so we came back at a
8 later Board meeting with some concepts relative to
9 registration.

10 So, yes, there was 100 ton decided -- I don't
11 believe -- it's not staff's recollection that the Board
12 voted and decided that that was to be the limit. Actually
13 staff's recollection is that there was some issues with
14 that and there was a suggestion to, at that time, look at
15 a registration tier.

16 BOARD MEMBER WASHINGTON: Madam Chair, for me
17 that just -- I just want to make sure that I was clear as
18 to whether a vote was taken or whether there was given
19 specific directions to staff to go back and take a look
20 and see if this -- to take a look at this 100 tons. And
21 that's why I only raised the question, to make sure that
22 there is some consistency as to what this Board does. And
23 if this Board voted for a specific ton, how did we end up
24 here and, you know, how do we get this thing fixed? And
25 so that's why I raised the concern, Madam Chair.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
2 Washington.

3 Mr. Jones.

4 BOARD MEMBER JONES: Madam Chair, thank you.

5 Mr. Washington, I think it's important to
6 understand that in San Francisco when we talked about
7 it -- first off, as these regulations -- as any reg
8 package goes through, we never take a vote, we direct the
9 staff, until the last one, and then we take a vote. Or
10 that's the way it's normally been.

11 At the San Francisco meeting, it was proposed by
12 staff at 100 tons, a notification tier and then a full
13 tier. Everybody was pretty much in agreement. There was
14 issues about the recycling and things like that. And it's
15 ironic that it would be in San Francisco because this
16 Board spent about 400 grand cleaning up one of these
17 recyclers that did leave an environmental degradation in
18 San Francisco as, quote-unquote, a C&D recycler.

19 But it was actually me, Mr. Washington, that said
20 under very narrow conditions, because in fact C&D
21 arguments that were being made were identical to the
22 arguments that were being made in the transfer station
23 regs about what was recycling and what wasn't. And I
24 cautioned the Board at the time that those arguments were
25 identical to what I had heard a couple years before.

1 But that if a C&D hauler went to a specific site
2 and took down, you know, a building and -- because the
3 argument then was under recycling it has to be source
4 separated by material type, was there room to commingle
5 all kinds of recyclables out of a C&D project and bring it
6 in? And I said, you know, we ought to look at that
7 because under those tight circumstances, I could support
8 that.

9 And it was the same people that cried for the
10 opportunity to recycle that said, "No, we can't operate
11 under those conditions." Not the industry that was
12 already permitted, but the same folks that are telling us
13 now that they need 50 and 75 and 100 tons of residual.

14 That in my mind, when I made that -- when I
15 offered that hand, it wasn't contrary to what the Board
16 had suggested. The Board had suggested 100 ton -- or
17 staff had suggested, we had said it. It was a way of
18 saying, is there a niche for commingling recyclables from
19 a C&D site? And that was absolutely objected to by the
20 folks that are here and have objected to the residuals, I
21 mean, you know, the 20 percent limit and all that.

22 And I only bring that up because I'm the one that
23 stirred it up. And as somebody that has operated these
24 things, there's a lot that operate inside the rules and a
25 lot that operate outside the rules. That's why it was

1 important to me that if they were going to commingle the
2 material, it had to come from a specific site. And that
3 was rejected.

4 Is that a reasonably fair representation of what
5 happened in San Francisco?

6 CHAIRPERSON MOULTON-PATTERSON: You might pull
7 the transcripts over lunch.

8 BOARD MEMBER JONES: So that might help
9 straighten it out, because I don't think anything's black
10 and white.

11 CHAIRPERSON MOULTON-PATTERSON: Mr. de Bie would
12 like to answer that. And then Mr. Paparian and then Mr.
13 Washington.

14 MR. de BIE: While we were talking our excellent
15 support staff here, Deborah McKee, was able to go into
16 BAWDS and pull up the record of the Board's action
17 relative to this item in San Francisco. And the record
18 indicates that there was no decision. It was continued.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you,
20 Deborah. Thank you, Mr. de Bie.

21 BOARD MEMBER JONES: Was there a direction --

22 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian and
23 then Mr. Washington and then Mr. Jones.

24 BOARD MEMBER PAPARIAN: Yeah, actually I had a
25 question for Mr. Aprea, too. I mean, over the process of

1 these regulations I think we've given several directions
2 to staff. And they have been -- they're not consistent
3 with each other. I mean as we hear more information,
4 we've given staff different direction about different
5 tonnage levels and percentages and all kinds of things.
6 But that's changed over time as we've gotten more
7 information and more input from the stakeholders.

8 But what I wanted to ask you, Mr. Aprea -- the
9 three-strikes enforcement type or cease and desist order
10 or idea is an intriguing one, and I may want to pursue
11 this, if not in the context of these regulations, perhaps
12 in the next phase here.

13 First of all, FYI we heard at our last committee
14 meeting that cease and desist may not mean cease and
15 desist in some cases. That's another issue.

16 If somebody has a full permit and they violate
17 their tonnage limits three times, would you suggest any
18 sanction there?

19 MR. APREA: I think I would ask that the
20 sanctions continue on in terms of what is currently
21 available to the Board. What we have seen -- I mean this
22 is not -- I don't have quantitative data to provide you.
23 But what we have seen in terms of these other tiers is
24 basically a chronic migration across the line, going up
25 when no one's looking, coming back down when enforcement

1 action is taken, and going back and forth. And there's no
2 final, "Look, Buddy, it's enough. You know, you got to
3 either get a permit to allow you to take this tonnage or
4 not."

5 I would submit that in terms of the tonnage
6 issues, as to whether someone that's in a full solid waste
7 facilities permit -- I don't know of problems that exist
8 with people chronically violating that. But if there are,
9 then it would make sense to have a consistent scheme for
10 whatever kind of a violation you have. It shouldn't just
11 be because you've gone over a line that's been drawn.

12 Also, to respond to Mr. Washington's questions, I
13 want to make clear that I never indicated that the Board
14 voted. I indicated that the Board directed staff.

15 And while there is a question as to whether it
16 was continued or not, that was clear direction from the
17 Board members to staff to proceed at 100 tons per day.

18 And I might add, Mr. Paparian, it was just last
19 month that your committee recommended 100 tons per day.

20 BOARD MEMBER PAPARIAN: Right. And as I say,
21 this has evolved over time. There have been different
22 directions that obviously are inconsistent with each other
23 as we've learned more and so forth.

24 MR. APREA: I understand the evolution.

25 BOARD MEMBER PAPARIAN: The three strikes one,

1 you know, I'm open to exploring that as long as we figure
2 out a way for consistency of enforcement. Consistency is
3 something that's very important to me, both between
4 jurisdictions and between types of permits.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
6 Paparian.

7 I'll put you on the list.

8 We have Mr. Washington, Mr. Jones, and then Mr.
9 Cannella.

10 BOARD MEMBER WASHINGTON: Again, Madam Chair, I
11 just briefly wanted to say to the Board and to staff that
12 I work with consistencies. And when it was brought to me
13 that there was a vote taken, and I'll tell anyone this,
14 that if you're going to come talk to me about any items
15 that come before this Board, I always look at what
16 happened in the previous history of a particular product.

17 And so that's the only reason I raised this
18 issue, so it wouldn't be an issue for me in determining
19 where we go to at this point with C&D regs. So I just
20 wanted to make sure that the Board knows that I only
21 raised that concern to make sure there was some
22 consistency. Now, I understand that this was a work in
23 progress. Even if it was in 1986, it was still a work in
24 progress, it had never been brought to a conclusion. So I
25 appreciate that.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
2 Washington, for bringing it up.

3 And next we have Mr. Jones.

4 BOARD MEMBER JONES: I'll pass over.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
6 Cannella.

7 BOARD MEMBER CANNELLA: Well, Mr. Washington
8 covered the last part. What I was going to say is that
9 was the old Board. This is a new Board, and everything
10 evolves. We have the opportunity and, in fact, the
11 responsibility to make those decisions about the
12 regulations.

13 But, secondly, I'm a bit remiss. I should have
14 done this before you opened the hearing, Madam Chair. But
15 we had some folks advocating for the 100 ton per day. The
16 100 ton per day, as I recall, was with the proviso that it
17 would be -- you would get a registration to the 100 tons
18 per day and then you would go over a two-year period to
19 secure a full permit.

20 And for those who come forward and advocate for
21 the 100 tons, I would like to have your opinion as to
22 whether that is still part of the discussion or something
23 that you could support. Because I've not heard anybody in
24 reference to the 100 tons per day to talk about the period
25 that it would allow for them to get the full permit.

1 CHAIRPERSON MOULTON-PATTERSON: Thank you for
2 bringing that up.

3 Mr. Medina.

4 VICE CHAIRPERSON MEDINA: Yes, Madam Chair, I
5 would also like to review the transcripts from that
6 meeting, because what I recall, someone from the audience
7 asked the question, "Is it 100 tons per day then?" And
8 the response was, "Yes, it's 100 tons per day." I didn't
9 know whether we had actually voted. I thought we had, but
10 apparently we have not. However, the issue of 100 tons
11 per day was raised from the floor and the response was,
12 "It's 100 tons per day." And I corroborate Mr. Jones'
13 testimony on this issue which he gave just a short while
14 ago.

15 At that time, you know, we had Senator Roberti
16 and Board Member Dan Eaton, two senior members that I
17 respected. And so I very closely followed, you know,
18 their lead on this issue.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Medina.

21 I had a question to staff. How would state
22 minimum standards protect this part of the waste stream?

23 MR. de BIE: Mark de Bie with Permitting and
24 Inspection.

25 No matter what tier a facility lands in,

1 notification, registration, or full, the same state
2 minimum standards would apply to them. And they are
3 standards that are very similar, if not exactly the same
4 as those that are applied to transfer stations handling
5 MSW waste.

6 And staff, you know, is confident that those
7 standards, be they minimum standards, would be effective
8 in controlling many of the aspects of the operation that
9 could cause potential impacts to public health, safety and
10 the environment such as dust, vectors, odors, other
11 nuisance-related issues.

12 It's very rare in transfer stations handling MSW
13 that the LEA finds a need to put site-specific conditions
14 that specifically address impacts that are also addressed
15 by state minimum standards. So that one might conclude
16 that the standards do provide adequate protection because
17 it doesn't seem to be necessary to put in additional
18 requirements for vector and odor and those sorts of
19 controls.

20 CHAIRPERSON MOULTON-PATTERSON: So the residual
21 rule isn't applied to transfer stations or MERFs?

22 MR. de BIE: There's no percentage required of
23 transfer stations or MERFs to recycle a certain amount.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

25 BOARD MEMBER JONES: Madam Chair.

1 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

2 BOARD MEMBER JONES: Just two questions.

3 If it was a recycling center, Mr. de Bie, then
4 there would be a 10-percent residual, correct?

5 MR. de BIE: Sorry, Mr. Jones. What was the
6 question?

7 BOARD MEMBER JONES: If it was a recycling
8 center, there would be a 10-percent residual?

9 MR. de BIE: To maintain --

10 BOARD MEMBER JONES: If it was a recycling center
11 that wasn't permitted and had over 10 percent residual,
12 would it need a full solid waste facility permit?

13 MR. de BIE: It would depend on the tonnage.

14 BOARD MEMBER JONES: If it was over --

15 MR. de BIE: Are we talking transfer stations
16 or --

17 BOARD MEMBER JONES: Right. Because you just
18 said there was no requirement to recycle.

19 MR. de BIE: For transfer stations --

20 BOARD MEMBER JONES: Actually, it's because we
21 developed a tier for recycling centers. And I just wanted
22 to make sure that that was understood.

23 The other issue is: I've never gotten a permit,
24 ever, of my 18 landfills and 17 MERFs and transfer
25 stations, that did not have site-specific requirements put

1 into the permit by an LEA. And I'm wondering when we've
2 ever seen a permit -- and Mr. Pirie's sitting out there
3 who actually issued me one of those permits -- when you've
4 ever seen that a permit has no conditions put on by the
5 locals? I don't understand that testimony, Mr. de Bie.

6 MR. de BIE: Let me clarify then. I was
7 responding to the Chair's question about state minimum
8 standards. And I qualified my response as saying, and
9 adding in the terms and conditions aspect, that we haven't
10 seen a large amount of conditions put into permits that
11 are specifically designed to address the same kinds of
12 things state minimum standards address. We do see many
13 conditions in permits. They do -- they have to do with
14 reporting frequency, they have to do with limits on things
15 like traffic and tonnage limits and those sorts of things.
16 But we don't see, for example, a condition that says, you
17 know, "have a misting system installed" in the permit.
18 That's part of what's proposed by the operator.

19 BOARD MEMBER JONES: Yeah, you do. It will say
20 to keep it operational.

21 MR. de BIE: Yeah, but it doesn't require it.

22 BOARD MEMBER JONES: It only requires it if the
23 local LEA determines that it is needed at that facility.
24 And that's the whole heart of the matter, is that some
25 facilities because the way they're designed and the way

1 that they naturally are aerated may not need a misting
2 system. But other facilities because of the way they're
3 built and the material that comes in actually do need it,
4 and they will actually tell you when it's got to operate
5 and when it doesn't operate.

6 That's important, Mr. de Bie. And that goes to
7 the heart of why you need to get specific conditions in.

8 MR. de BIE: You know, Mr. Jones, I need to agree
9 with you in that if you look at the record that's
10 submitted by the operator that describes their facility,
11 they include all of those mitigations for dust, odor,
12 vectors. And it may -- and the permit is the tool that
13 enforces those things.

14 I guess I need to qualify is that it's rare that
15 the LEA unilaterally decides on a condition that's over
16 and above either state minimum standards or what the
17 operator is offering as best management practices.

18 I'm done.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr. de
20 Bie.

21 MR. de BIE: I guess we differ in opinion there.

22 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

23 I know I called Mr. Liss's name. Will you be
24 available after lunch? Because we have a number of
25 speakers still to speak. And I'm going to call our lunch

1 recess. We'll return at 1:30.

2 Thank you for your patience.

3 (Thereupon a lunch break was taken.)

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1 AFTERNOON SESSION

2 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
3 the meeting back to order.

4 And we'll start with ex partes.

5 Mr. Jones.

6 BOARD MEMBER JONES: Madam Chair, Denise
7 Delmatier, Don Gambelin, Marc Aprea, Kelly Astor. As they
8 were walking out of the building, I was walking out of the
9 building, so we said hi and commented on this. So I ex
10 parte it.

11 CHAIRPERSON MOULTON-PATTERSON: Okay. Mr.
12 Cannella.

13 BOARD MEMBER CANNELLA: I had Marc Aprea. He
14 informed me that they would -- we talked about the
15 two-year period for getting the full permit. Not that we
16 agreed or disagreed. But there was the question that I
17 had raised, and he came forward to talk about that.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. And I have
19 none.

20 Mr. Medina.

21 VICE CHAIRPERSON MEDINA: Just on the way in the
22 door I ran into Marc Aprea and Josh Ponnay with regard to
23 the C&D regs.

24 CHAIRPERSON MOULTON-PATTERSON: Mr. Paparian.

25 BOARD MEMBER PAPARIAN: On the way out of the

1 building I ran into --

2 (Laughter.)

3 BOARD MEMBER PAPARIAN: -- Josh Ponnay and Kelly
4 Astor and several others. But Josh and Kelly are the only
5 ones I spoke with. I think we spoke about many numbers,
6 including those as high as 1,000. But I don't think we
7 reached any agreement on anything in that short period of
8 time. I also spoke with Mark Murray about E-waste issues.

9 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
10 Mr. Washington.

11 BOARD MEMBER WASHINGTON: Madam Chair, I have
12 none --

13 CHAIRPERSON MOULTON-PATTERSON: Okay.

14 BOARD MEMBER WASHINGTON: -- believe it or not.

15 (Laughter.)

16 BOARD MEMBER JONES: Madam Chair.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: I need to -- and I apologize
19 to Joan Edwards. I'm so sorry. I need to ex parte our
20 conversation about C&D waste.

21 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

22 Well we were on Item 41, as everyone knows. And
23 we broke off during the public comments.

24 Gary Liss representing Industrial Carting.

25 MR. LISS: Madam Chair and members of the Board,

1 thank you for the opportunity to speak today. I didn't
2 want to miss a second time, so I was here bright and
3 early.

4 First, I want to thank the Board and staff for
5 the direction from the last meeting for Industrial
6 Carting, which is developing a new C&D facility that will
7 begin construction this spring. The definition of the
8 word "existing" in the regulations is a very important
9 provision for us. And the language that you have in there
10 that activities have not commenced operation but have
11 received all local government land use approvals and have
12 commenced physical development of the site is great
13 language for us and we hope that you keep that in there
14 and we appreciate that it was inserted to address our
15 situation and others like it.

16 Secondly, I'd like to go on record again strongly
17 supporting the permanent registration tier, particularly
18 for the range of 100 to 500 tons per day. We believe that
19 a phase-in that had been proposed at the last meeting was
20 appropriately not directed coming out of the last Board
21 meeting and would oppose a phase-in for the 100 to 500 ton
22 per day tier.

23 One of the things that I wanted to comment on was
24 in regards to the 100 tons per day. There's a lot of
25 discussion this morning about what happened in San

1 Francisco. And I believe that there's been a lot of
2 changes over the last year, up and down, as everyone
3 learns and understands the situation better. So I think
4 to keep going back to what happened a year ago is not
5 pertinent. We need to focus on what's on the table today.

6 There were changes that were made on all sides.
7 A lot of the recyclers were opposed to residue at all
8 being a test, but now have agreed to that as part of a
9 compromise, bringing back the permanent registration tier
10 on the table which is where we left off at the last
11 meeting.

12 So there have been changes up and down. But
13 there's reasons for each of those changes. And I believe
14 the Board is moving in the direction of trying to find the
15 middle objective frame of reference that is your charge to
16 do as the state agency.

17 On the residue test, we do support 50 percent.
18 We suggested that you do that possibly as a phase-in in
19 terms of 50 percent initially; and then if you wanted to
20 be more rigorous, having a residue test of 40 percent five
21 years from now, as a way of recognizing today's realities
22 but trying to push the state of the art of the industry.

23 On enforcement we think the three-strikes law
24 that's been proposed should either be approved for all
25 permits of the Waste Board, including landfills, or none.

1 To discriminate against C&D facilities is totally
2 inappropriate given C&D recycling is a priority of the
3 Board in the strategic plan and elsewhere.

4 I'd also like to cite the Governor's State of the
5 State Address in which he recognized small business as a
6 key generator of jobs and that as the administration he
7 was going to focus on jobs and wants to make sure that
8 there were no barriers to small businesses moving forward.
9 We view the regs as potentially a huge barrier to small
10 businesses, independent recyclers moving forward, and urge
11 that you adopt the recommendations that we have encouraged
12 you to adopt.

13 We also would like to reinforce the discussion
14 that happened at the last Board meeting about local
15 government. The Waste Board isn't the only one that looks
16 at these facilities. In fact our conditional use permit
17 for Industrial Carting has over 40 conditions provided by
18 the local government to governing the operations of that
19 facility. When you couple that with the State minimum
20 standards, there's plenty of regulation to ensure the
21 public health and safety.

22 Your staff has said that for 100 to 500 tons per
23 day there are no public health and safety problems
24 repeatedly upon questioning over the last several months.
25 So we ask that you trust your staff and trust local

1 government, that they're not just a pawn in this puzzle;
2 they're a key partner with the State, as was envisioned
3 under AB 939, a partnership of state and local government
4 moving forward.

5 Thank you for the opportunity. And I'd be happy
6 to answer any questions you may have.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
8 Liss.

9 I see no questions at this time.

10 We'll have Shane Gusman, Teamsters, followed by
11 Mark Murray, Californians Against Waste.

12 MR. GUSMAN: Madam Chair, members of the Board,
13 thank you for the opportunity to testify in this issue.
14 It's a very important issue to the Teamsters.

15 I've spoken several times. Our position has been
16 consistent throughout. We support a 100-ton threshold for
17 a full solid waste facilities permit. The reason being is
18 that the site-specific conditions protect -- even though
19 folks may disagree on what those conditions are designed
20 to do, they protect our members on that site.

21 The number of things in those conditions are
22 specifically in some of these sites designed to protect
23 workers -- showers so that the workers don't take home
24 hazardous debris, ventilation systems, other kinds of
25 safety equipment like gloves and other conditions.

1 And I do take issue with some previous testimony
2 that the Teamsters are simply here to do the bidding of
3 their employers. The gentleman that said that just
4 doesn't have his facts straight. The Teamsters are here
5 to protect their members. If every single one of our
6 employers was on the other side of this issue, we would
7 still be here arguing for a 100-ton threshold because we
8 believe that's what protects our members.

9 The fact of the matter is some of our employers
10 would like to see this industry completely deregulated.
11 And that's just not what we stand for. We want to protect
12 our members, and we urge you to do the same.

13 Thank you.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Gusman. As a former Teamster, I appreciate you being
16 here.

17 Mark Murray, Californians Against Waste, followed
18 by Kelly Astor.

19 MR. MURRAY: Thank you, Madam Chair, members.
20 Mark Murray with Californians Against Waste. I'm going to
21 try and be brief. I'm not sure what more I could tell you
22 about this issue.

23 I had an opportunity once again to meet with your
24 staff on this issue back in December. And once again I
25 urge the Board to look to your staff. I know that this

1 issue has become greatly politicized over the last several
2 months. That's what happens. That's why we have a Board
3 to kind of wrestle with these issues.

4 But as I've kind of struggled to find the right
5 numbers, 100, 300, 500, 20 percent, 35 percent, 50
6 percent, the soundest, most thoughtful perspective that I
7 continue to get on this issue is coming from your own
8 staff. And I would urge you to really focus on where
9 they're coming from on this issue.

10 From our perspective, we think that 300 tons per
11 day as a threshold for a permanent registration tier is
12 appropriate. We would like to see it -- we think -- again
13 based on our discussions with your staff, that we think
14 that a registration tier would be a satisfactory
15 regulation all the way up to 500 tons per day. But we're
16 trying to accommodate the other interests and think that
17 300 makes sense from, frankly, a political compromise
18 standpoint.

19 What I've been trying to put on the table here is
20 diversion, is reducing the amount of the C&D waste that's
21 ultimately going to a landfill. And that's why we've
22 brought forward this idea of having a residual rate. If
23 we're going to provide these recycling businesses with a
24 lower regulatory threshold, from our perspective we'd like
25 to see them do some diversion.

1 After talking with the industry, after talking
2 with your staff, we think that a satisfactory percentage
3 of residual, a number that both encourages diversion
4 without creating an unreasonable barrier for these
5 businesses to operate, is in the 30-percent range.

6 Now, again your staff has put forward a
7 50-percent range. We've had an opportunity to talk to a
8 number of the LEAs. The LEAs would like the simple, black
9 and white, clear standard, and I think that that's where
10 the 50 percent comes from. We support 50 percent, but we
11 also -- again, we're willing to live with a residual rate
12 that is in the 30 to 35 percent range.

13 The only final number that I'll throw out at you
14 is that we're talking about C&D facilities. And if a C&D
15 facility that's handling 300 tons per day, if 33 percent
16 of the material being handled at that facility was
17 residual, that would be only 100 tons of solid waste.

18 So effectively if you're trying to kind of --
19 what's the rationale behind all these numbers, we're
20 trying to come up with a regulatory scheme that would be
21 parallel to the transfer station regulations, permitting
22 regulations whereby you wouldn't need a full solid waste
23 facility permit unless at the end of the day you're
24 handling more than 100 tons of solid waste that's going to
25 a landfill.

1 So, again -- I know we've been discussing this
2 for too long -- we would urge you to look to your staff.
3 From our perspective a reasonable compromise is 300 tons
4 per day and a 30-percent residual threshold.

5 Thanks.

6 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
7 Murray.

8 Any questions?

9 Okay. We have Kelly Astor, CRRC, followed by
10 Donald Gambelin from NorCal.

11 MR. ASTOR: Thank you, Madam Chair and members.

12 I think I've honed my speech down to just seven
13 salient points.

14 First of all, in the staff report just given at
15 the outset of this hearing, the PowerPoint presentation
16 included some reference to the residual waste issue.

17 Let me clarify my own view and that of my
18 organization, that you don't view residual waste in a
19 vacuum. The need for a requirement at all in terms of
20 recycling is really a function of what the tonnage
21 threshold is coming in.

22 We don't have a residual recycling requirement,
23 for example, on the transfer station regs that affect
24 solid waste generally. But in this context residual
25 diversion percentage amount is definitely a link to how

1 many tons are coming in.

2 If your Board, as we urge that it does, were to
3 adopt a 100 ton per day threshold, I don't think -- at
4 least the industry that I represent, the bulk of it, would
5 not be advancing a 50 percent or even a 20 percent
6 residual waste requirement. That's critical to us though
7 if you go any higher.

8 And even then we're probably left unhappy. But
9 it's the relationship between how much comes in that makes
10 the idea of something on the back-end either necessary or
11 not.

12 One of the central flaws in these regs that I see
13 and that CRRC has pointed out in past testimony is the
14 absence of a scales requirement. It really confounds us
15 that we have a set of regulations that proposes to
16 distinguish between regulatory tiers based on tonnage
17 measurements and yet there's no requirement in regulations
18 that this material be weighed either coming in or going
19 out.

20 In our view -- and this is based largely on
21 experience -- that's an invitation to cheating. We see a
22 lot of people out there who aren't fully permitted
23 already, and that number is only going to grow. There was
24 talk earlier from Mr. Munoz about the fact that, you know,
25 "there really isn't any health and safety problem now.

1 Why should there be one if we adopt regulations about
2 this?"

3 Well, I think in the PowerPoint presentation that
4 Sean Edgar presented a couple of meetings ago, we
5 successfully made the case that there have been
6 environmental problems as a result of facilities that
7 weren't operated properly.

8 But even if that's not the case -- and I think
9 that it is -- when you set up a new set of regulations
10 with a 300 or 500 ton per day threshold, our problem with
11 that is it's going to encourage more of that activity. So
12 whatever we're doing now, we don't like the bad guys that
13 are out there. But the door blows wide open and they're
14 cloaked with a whole new set of credibility if indeed
15 these regulations pass in their current form.

16 There are also, by the way, DRS implications.
17 And I'm certainly not an expert on that reg package. It
18 has me totally confused. But I do know that if the view
19 there is to try to count more and get a better handle on
20 where everything's going, the idea that we'd have a
21 regulatory system set up where we don't count residual in
22 the back-end beyond a certain number, again, is an
23 invitation to cheating and will, we think, significantly
24 impact in a negative way our ability to keep records.

25 With regard to the tons-in number, you know we're

1 at 100. And I want to distinguish there between inerts
2 only and C&D waste generally. Somewhere along the line
3 LEA advised a number 12 got misread. Some say it's
4 ambiguous. I don't think that it is. It's very clear
5 that if it were an inert-only discussion we were having,
6 if it were just the stuff that did not impact groundwater
7 and present other kinds of threats, we wouldn't be stuck
8 at 100 tons per day.

9 But it's because the C&D box -- and this was
10 verified in the site visits that many of you made --
11 because that box contains things other than pure inerts,
12 cured asphalt and concrete and the like, it's got more
13 stuff than that, that's why we are stuck at the 100 ton
14 per day threshold. Because the stuff that is not truly
15 inert is run-of-the-mill solid waste and ought to be
16 regulated in the same way that we do solid waste
17 generally.

18 With regard to encouraging recycling, I've
19 testified before, we encourage recycling. We're
20 contractually committed to deliver recycling results.
21 We'd be crazy not to.

22 We think -- and we supported the Kuehl Bill
23 because C&D ordinances are an important device to be
24 employed to encourage recycling of C&D materials in
25 cities. The answer to encouraging recycling is not to

1 lower the regulatory bar and invite people to come in
2 without the appropriate level of oversight.

3 The answer is to make it a requirement in local
4 jurisdictions. The only thing we said in the context of
5 the Kuehl Bill was don't make it a uniform,
6 one-size-fits-all requirement. All under the uniqueness
7 of local conditions, we said the City ought to be
8 encouraged to adopt these ordinances, let them decide for
9 themselves what those ordinances will say.

10 BOARD MEMBER WASHINGTON: Excuse me. In the
11 Kuehl Bill didn't it -- but didn't we vote to make it a
12 one-size-fits-all and make it 50 percent?

13 MR. ASTOR: No, I think there's a range expressed
14 in terms of this bill.

15 BOARD MEMBER WASHINGTON: I'm sorry?

16 MR. ASTOR: I think there's a range expressed in
17 the model ordinance that's to be developed.

18 BOARD MEMBER WASHINGTON: Okay.

19 MR. ASTOR: Even if it's not, there is still a
20 lot of flexibility left to local agencies in that bill in
21 terms of how they can comply.

22 One other myth I'd like to --

23 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

24 BOARD MEMBER WASHINGTON: I want to apologize. I
25 thought --

1 CHAIRPERSON MOULTON-PATTERSON: Oh, no. That's
2 fine.

3 MR. ASTOR: One other myth I'd like to dispel,
4 this notion that it's industry against the recyclers is
5 very troubling to us. I would venture to guess that the
6 industry that I represent, along with many others in this
7 room, recycles more tons than anybody who's promising
8 potential recycling results on this individual and
9 discrete waste stream. We've got them beat by thousands
10 and tens of thousands of tons. We're recycling already.
11 This isn't recyclers versus nonrecyclers.

12 Please, if you take nothing else away from my
13 testimony, it's about recyclers that are already doing the
14 job and others who'd like to enter that market and haven't
15 succeeded in doing so thus far. And their reason for not
16 getting in thus far doesn't hold water. There is no
17 barrier to entry. We visited Carl Washington, Steve South
18 and I, and he explained that his company has secured a
19 handful of permits, never having hired a consultant, not
20 one time.

21 BOARD MEMBER WASHINGTON: Not Carl Washington's
22 company.

23 (Laughter.)

24 MR. ASTOR: No. Steve South's company, Edco
25 Disposal Corporation.

1 They went with staff. Your permitting staff was
2 very helpful in laying out what they needed to do, and
3 they got it done. So the argument we heard before from
4 the other segment of the industry was, "You know, we would
5 do all this if only we could just get past the cost of
6 securing this permit."

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Astor,
8 everyone else has kept to five minutes, and you're about a
9 minute over that. So if you could summarize, I'd
10 appreciate it.

11 MR. ASTOR: I will summarize as follows, Madam
12 Chair. And thank you for your indulgence.

13 We're at 100 tons per day. We urge you to do the
14 right thing.

15 And I'm available for any questions you might
16 have.

17 CHAIRPERSON MOULTON-PATTERSON: Okay. Questions?

18 I don't see any.

19 Thank you, Mr. Astor.

20 Donald Gambelin, NorCal Waste, followed by Scott
21 Harvey.

22 MR. GAMBELIN: Good afternoon, Madam Chair,
23 members of the Board. Donald Gambelin. I'm with NorCal
24 Waste Systems.

25 I think our message has been pretty consistent

1 throughout the testimony provided on the C&D regulations
2 and, that is, a message of equity and consistency. And
3 it's equity and consistency with transfer and processing
4 operations, of which C&D processing is a component of. I
5 think we're kidding ourselves if we keep insisting that
6 C&D is somehow different than other elements of the solid
7 waste stream that are also subject to transfer processing
8 regs. And we're simply carving this out, pretending as
9 it's something different. And it certainly leads to
10 issues of inequities and inconsistencies.

11 I think the enforcement -- for the sake of
12 enforcement, for the sake of development of the industry,
13 and for the sake of development of the C&D recycling
14 capacity in the state, a simple approach to these
15 regulations is most appropriate. And we've certainly
16 advocated to keeping them consistent as much as possible
17 with the transfer processing regs. And in doing so we
18 certainly advocate for the registration tier level to be
19 set at 100 tons per day. We think that continues to make
20 sense.

21 I believe there's been ample evidence and
22 testimony presented in this forum regarding potential
23 environmental and health and safety risks associated with
24 C&D processing. Although there's been arguments trying to
25 dispute that evidence, I don't know that it's ever been

1 disputed to a level where it can be ignored.

2 I think the Board's primary charge in the
3 adoption of these regulations is protection of the
4 environment and health and safety. And when you simply
5 have out there issues that remain related to those
6 factors, you have to err on the side of caution and take
7 precautions for protection of the environment and health
8 and safety. And the regulatory package needs to address
9 that.

10 If I could adopt -- or take something from CEQA
11 and CEQA law, which requires when you go through any
12 process to look at an environmentally superior project, or
13 development, or something to that effect. And I try and
14 relate that concept to these regulations. I think,
15 clearly, by doing anything more than 100 tons per day, we
16 are not even approaching the environmentally superior
17 alternative set of regulations that we really need to be
18 looking at.

19 A question came up earlier about site-specific
20 conditions for permits. I happen to have permitted two
21 C&D processing facilities for NorCal and was required to
22 get a full solid waste facility permit in order to develop
23 and operate those facilities.

24 One operation in San Francisco, in particular,
25 there were no less than 17 site-specific conditions and

1 requirements that the LEA required us to address,
2 including: "Will you have an electric swing grapple or a
3 loader?" "Exactly what is your noise attenuation and
4 insulation in a building wall?" "You must remove your
5 residual within 48 percent from the facility." "I want to
6 know exactly how often you're going to be cleaning that
7 facility." So on and so forth. So those site-specific
8 conditions do end up in permits.

9 Now, as somebody -- as a company -- and
10 unfortunately I think -- actually I've got a question if
11 I'm accused of being the anti-recycler or the recycler,
12 because I do know that NorCal over the past couple years
13 has invested millions of dollars in bringing significant
14 processing capacity on-line for C&D, somewhere in the
15 neighborhood of 500 tons a day at least in northern
16 California.

17 In the same jurisdiction where I operate, and
18 where some of those big operations are, I've got so called
19 C&D recyclers who are required by the same enforcement
20 agency -- or allowed by the same enforcement agency, I
21 should say, to do something significantly less than obtain
22 the same permit that I have. I do have a problem with
23 that. And I think that this regulatory package will
24 continue that line of practice by that enforcement agency.

25 I did want to address just real briefly the

1 phase-in. We didn't have a chance to testify at that P&E
2 Committee last month, I believe it was, when the question
3 came up about the phase-in.

4 We don't take issue with the two-year phase-in,
5 with one provision. And this is my understanding of what
6 I believe Mr. Jones raised last time and, that is, that
7 when these regs are adopted, that during that two-year
8 phase-in, while facilities may not have the full permit
9 that they do require, they are not allowed to ramp up to a
10 certain amount during that phase-in period; that they
11 basically have to maintain status quo until they do get a
12 new permit, at which time then they can do what that
13 permit will allow them to do.

14 Just one other thought to leave on the table here
15 before I sit down; and, that is, if the C&D regs require
16 these type of operations to receive source-separated
17 material, I struggle with the concept of saying that
18 something that generates or contains 50 percent residual
19 has been source separated. That just flies in the line of
20 reason.

21 Thank you.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Scott Harvey, San Diego County Disposal
24 Association, followed by Mike Hammer.

25 MR. HARVEY: Good afternoon, Madam Chair and

1 members. Thank you for the opportunity to discuss this
2 very important subject.

3 What I'd like to do is underscore what Kelly
4 Astor had to say from CRRC by asking what I think is the
5 most appropriate, if not the only, public policy question.
6 And, that is, is this about public safety or this about
7 recycling? And I believe there is no disagreement amongst
8 the parties, including your own Board staff, that this is
9 about public safety. And that is simply because C&D does
10 not contain clean waste. In fact, it may include
11 hazardous waste.

12 And this overarching question is the one that
13 should guide your decision.

14 Other solid waste facilities, transfer
15 processing, landfills, and others, are bound by permits
16 and limits. The same should be done for C&D because of
17 public safety issues.

18 Now, others have also raised the question of
19 weight. I've been told by my members in San Diego,
20 particularly Edco Disposal, that if you take inerts out,
21 the remaining amount is about the same as other solid
22 waste. But this debate, this question, this discussion is
23 solved if you require scales. And we would so encourage
24 you to do it.

25 When it's all said and done, my association would

1 respectfully request that you stay to the 100 ton per day
2 limit, that you correspond that, tie it to ultimately,
3 perhaps a brief phase-in period, but the full solid waste
4 permit. And you do so so that employees and public health
5 is not compromised.

6 Thanks.

7 CHAIRPERSON MOULTON-PATTERSON: Thank you.

8 Mike Hammer of Looney Bins, followed by Joan
9 Edwards, which is going to be our last speaker.

10 MR. HAMMER: Madam Chair, members of the Board.
11 I represent Looney Bins. We're a small business in
12 southern California. We have about 70 employees.

13 And in the Governor's State of the State Address
14 he said, and I quote, "We need to do everything in our
15 power to support small businesses, which employ more than
16 half of all Californians. I've appointed the first-ever
17 small business advocate in the Governor's Office, but
18 there's more we must do. And I'll charge the small
19 business advocate with rejecting all regulations that
20 unfairly impact small business."

21 I've been in contact with the legal counsel of
22 that office. They're currently reviewing these
23 regulations. But as a small business, these regulations
24 as are currently drafted unfairly impact small businesses,
25 in two specific ways that I want to talk to you about.

1 The first one is the financial impact that these
2 regulations are going to have. At 150 tons per day, at 6
3 days a week, that's about 45,000 tons of material per
4 year. At a tipping fee of about \$35 a ton, which is about
5 what it is in southern California, at a 5 percent profit
6 margin, which means you only make \$1.75 per ton of
7 material that you process, that gives a total profit of
8 \$78,000 to a small business.

9 Conservative estimates on getting a full solid
10 waste permit have ranged all over the Board. The
11 conservative side has gone from \$50,000. I've heard
12 estimates up to \$200,000, depending on what kind of CEQA
13 analysis is involved, if there's EIRs that are involved.
14 Our backyard is Bradley Landfill, or maybe we're behind
15 their backyard. And, as you know, there's public
16 opposition to Bradley Landfill's extension. And that's
17 what our property line butts up against.

18 You look at the barrier that that creates for a
19 small business to take 60, 70, 80 percent of the net
20 profit that we make just to go to the next level of
21 hauling at 300 tons per day just simply isn't enough for
22 us to marginalize those costs to allow us to expand.

23 And the fact of the matter is, you need small
24 processors to grow to become medium and large volume
25 processors if you're going to make a dent in the millions

1 of tons of C&D that are currently being disposed in your
2 landfills.

3 The second area that there's a big impact in is
4 the operational impact of the residual limit. My
5 understanding from the Board was that you picked 20
6 percent because that would establish who a legitimate
7 processor is versus a sham processor.

8 I asked Board members, I asked Board staff how
9 many facilities are currently in operation that are 300
10 tons per day or less and have a residual 20 percent or
11 less. None of them knew.

12 How can you think about adopting a set of
13 regulations and you don't even know if there's one
14 facility existing right now that meets those requirements?
15 And the simple matter of the fact is -- there may be a
16 handful -- I'm not aware of anyone that operates under 300
17 tons per day that has less than 20 percent residual. The
18 reason is because you're hand sorting for the most part if
19 you're at 300 tons per day or less.

20 We hand sort. The fact of the matter is it's an
21 economic decision. We could get up to 20 percent residual
22 or less, but we'd lose money because you have guys picking
23 through it. And to get to 20 percent residual means
24 they've got to spend an hour on one 40-yard bin just
25 picking out little pieces of material to get down to 20

1 percent. The fact of the matter is, the only way to
2 operate at that level, you have to make the investment in
3 capital and infrastructure to have mechanical sorting
4 equipment with sort lines and float tanks. Once you make
5 that investment, 300 tons per day, you won't stay in
6 business if that's the only tons you can do.

7 And I'm suggesting to the Board that you've got
8 to raise the residual requirement to 50 percent. That's
9 consistent with C&D ordinances. It's consistent with what
10 the local jurisdictions that have them are asking us to
11 do, and it's consistent with legitimate hand sorting.

12 I mean I don't understand how the Board has given
13 Looney Bins its top award for recycling efforts, and at
14 the same point under the current version in the
15 registration tier we would not even be considered a
16 legitimate C&D processor. It doesn't make sense.

17 And I think before you even can adopt the
18 requirements for the registration tier, you at a minimum
19 should at least know what facilities are out there that
20 meet those limits. Because if you adopt that definition
21 and on day one you say, "Okay, well, you don't have the
22 residual limit," then you're telling us we have to
23 immediately go get a full solid waste permit. And you're
24 going to put us out of business unless you want to give us
25 money to fund a sorting system that, you know, a small

1 one's around a million bucks.

2 And, again, small businesses, they need to grow
3 in order to help the state divert more and more waste. I
4 really want to urge the Board on behalf of small
5 businesses to adopt an upper limit on the registration
6 tier of 500 tons per day and lower the residual
7 requirements to 50 percent in order to accommodate small
8 businesses and allow them to process the material and
9 divert it from the landfill.

10 Thank you.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Hammer.

13 Joan Edwards. And there is another late speaker
14 slip, Sean Edgar.

15 So Joan Edwards, J. Edwards and Associates.

16 MS. EDWARDS: Well, it's really kind of scary to
17 keep coming to the meetings. And I can understand Board
18 Member Washington's confusion, because if you were at the
19 last meeting, you'd hear totally different comments, and
20 the meeting before that the same. But we all have to
21 limit and focus within the time constraint, and that's
22 what I will do as well, much as I would like to speak to
23 some of the earlier issues.

24 First of all, in general I'd like to say that I
25 am one of that group of California recyclers and recycling

1 advocates who supports what was outlined in Californians
2 Against Waste letter and the letter from C&D recyclers
3 that Gary Liss coordinated. That is, raising the bottom
4 tier to 100 tons; keeping a permanent tier -- I can live
5 with up to 300 -- and having a higher residual than 20
6 percent.

7 I want to focus my comments on expanding on a
8 couple of these areas.

9 The first is the residual rate. Now, to anyone
10 it might seem counterintuitive. Who are all these
11 recyclers saying, "Increase the residual rate and lower
12 the recycling rate."? That's insane.

13 Well, as I pointed out in my last testimony, you
14 have to think about what is real and practical, whether
15 it's economically practical as was just said or what
16 people actually get, and you have to think about how you
17 get to a rate. A landfill that chooses to do minimal
18 screening and put it all back on the landfill, very
19 cheaply, I might add, as ADC or road material or whatever,
20 they can get to really high rates. Someone who wants to
21 see rocks screened for road-based material has to spend
22 more money. That's higher -- it's hire costs.

23 I want to give -- I too have asked who knows of
24 all these wonderful facilities that get 80 or 90 percent
25 and don't skew their numbers with inerts or by cherry

1 picking or with incredibly expensive equipment.

2 I have refrained from naming the facilities I
3 know. But I'm going to name them today.

4 NorCal, a great facility in San Francisco, has
5 been working and investing for a long time. They do a
6 really good job. They don't have the highest bells and
7 whistles in their equipment. It's pretty standard, but
8 they do an excellent job. They report to the City 65
9 percent diversion, 35 percent residue.

10 Newby Island recently installed new equipment.
11 They used to claim way over 80. Now they've got all this
12 sorting equipment and a trommel, 49 percent to higher and
13 better use, overall rate 71 percent. The difference is,
14 put it back in the landfill.

15 Blue Line Transfer Station. They were sorting by
16 hand on the floor, couldn't get past 25 percent. But they
17 found a better way. They grind it all up, bring it to Ox
18 Mountain. And it doesn't go for higher and better use.

19 These are three examples. I could give you more.
20 The basic message though is that there are those of us who
21 can give you names, who can give you diversion rates. And
22 when we ask that other people give other names and other
23 rates, you didn't get them. In fact Zanker, whom I highly
24 admire, one of the top three in the state, they don't --
25 they get 90 overall, but that includes their inerts

1 processing. And Community Recycling with its flotation
2 tanks and three different types of screens, they get 85,
3 and they have invested millions and it has taken them 7
4 years to get there.

5 So please, it's not that we don't want to
6 recycle. We want the people who are not landfill
7 recycling but higher and better use, which is what you
8 say, to be the recyclers.

9 Finally, I'm going to close at the risk of having
10 Board Member Jones be concerned. I 100 percent agree with
11 what Steve Jones said earlier; and, that is, that the
12 residue rate should not include material that goes to an
13 engineered landfill. That's right back saying, "Hey,
14 that's recycling. Why bother?" Why bother to go to
15 higher and better use?

16 Now, he told me at the intermission, Jones, "De
17 facto, you agreed to it." And I did, and it was my error.
18 I have consistently said higher and better use. And
19 because of a discussion that I had with someone the last
20 round, I honestly thought it had been taken out, I didn't
21 do my homework. But 100 percent if you say don't include
22 it in the residue, what you're saying is "Don't bother
23 recycling to higher and better use. Just screen out the
24 mixed inerts and bring them to Irwindale," and that's
25 wrong.

1 Thank you.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you, Ms.
3 Edwards.

4 BOARD MEMBER JONES: Madam Chair.

5 BOARD MEMBER PAPARIAN: Madam Chair.

6 Oh, go ahead.

7 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones and Mr.
8 Paparian.

9 BOARD MEMBER JONES: For Ms. Edwards. Just a
10 couple of questions. I'm familiar with every one of those
11 facilities that's you've listed.

12 When NorCal was doing just a C&D project before
13 they built all the equipment, they selected the loads that
14 went to the C&D site and at that time they were getting
15 somewhere around 95 percent recycling because they were
16 able to select the loads.

17 I think your number now was 65?

18 MS. EDWARDS: Right.

19 BOARD MEMBER JONES: But that's 65 of any
20 material that has a possibility of being recycled. So
21 they're looking at a different waste stream. But the key
22 to that is, they're a fully permitted facility. And
23 because they're a fully permitted facility, they don't
24 have to cherry pick loads or source-separate loads. They
25 can bring in anything that comes off of a site, regardless

1 of where it comes from, and if there's enough material in
2 there that looks like it's of C&D, they can run it through
3 C&D before they go run it somewhere else.

4 It's a distortion of the facts.

5 And as well as South City Scavengers, their 25
6 percent is of their entire intake into the transfer
7 station, right?

8 MS. EDWARDS: No. That is not what they have
9 told the City that I represent with regard to the C&D
10 ordinance.

11 BOARD MEMBER JONES: The --

12 MS. EDWARDS: That it was from --

13 BOARD MEMBER JONES: That they're only getting 25
14 percent of their dedicated C&D boxes, that's why they
15 spent \$400,000 on a shredder?

16 MS. EDWARDS: What happened -- I will respond.

17 Originally they were going to go over the line,
18 and they couldn't because it wasn't suitable for C&D. So
19 what they did is they brought the C&D material to a
20 dedicated area of the facility, they sort it by hand and
21 with a loader.

22 That pile, which they sent to a dedicated area,
23 they themselves were estimating 20 to 25 percent. I
24 visited twice. And I believe their numbers. I believe
25 that that was accurate. They subsequently chose to

1 increase their diversion by grinding.

2 Part of that economic decision and recycling
3 decision was to cut back somewhat on the expense of hand
4 labor.

5 I agree with you that -- and that's the point I
6 made last time I testified -- that how you recycle
7 determines what your numbers will be. And the more the
8 mixed debris incoming is, you're absolutely right, the
9 lower the diversion rate will be. Although I will point
10 out that -- and I believe that the NorCal representative
11 would concur -- and I want to emphasize that I think their
12 facility is great -- but their capacity is lower than
13 their in-feed. So the material goes past the scalehouse
14 and is identified as to whether it will go to the
15 facility.

16 But I agree with you in principle. How you
17 recycle -- and that's the only point I'm making. How you
18 choose to recycle -- inerts, mixed, cherry pick, don't
19 cherry pick, lots of equipment, no equipment -- determines
20 your diversion rate. And in general most facilities -- or
21 rather I'll say the reverse. Very few facilities are
22 getting 80 percent unless they have phenomenal equipment,
23 are cherry picking, or mostly inerts. Those are the three
24 criteria.

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Just to follow up on
3 those.

4 I think you just said that -- and we can let
5 NorCal speak for themselves in a minute if they want to --
6 but I think you just said that some of the trucks that
7 might go to the NorCal C&D line get diverted before they
8 go into that C&D line?

9 MS. EDWARDS: No, what I said was -- and I work
10 with the City of San Francisco staff, so I've visited the
11 facility, although not in the last three months. They
12 have put in new equipment. They've expanded their
13 capacity. But I did look at the City's own numbers before
14 I came today.

15 What happens is that they go through the
16 scalehouse, but they don't decide whether it goes to the
17 C&D site until past the scalehouse. There is a load
18 checker as -- you know, it is appropriate for a busy good
19 facility. The load checker checks and decides does it go
20 to the C&D facility or not. His determination is based on
21 is it C&D, you know. But it is also related to the fact
22 that they do not have sufficient capacity. They take in
23 more than their equipment currently can accept, tons per
24 hour.

25 So I'm not accusing them of cherry picking. I'm

1 just saying it's a fact that they have to reject some
2 loads from a shear capacity perspective. Although they've
3 been investing like crazy, and to their credit.

4 BOARD MEMBER PAPARIAN: Okay. So in their case
5 it may or may not be a cherry picking issue, it may be --

6 MS. EDWARDS: It's a capacity issue.

7 BOARD MEMBER PAPARIAN: -- a capacity issue.

8 MS. EDWARDS: Right.

9 BOARD MEMBER PAPARIAN: The cherry picking
10 issue --

11 MS. EDWARDS: I did not mean that they cherry
12 picked. I agree, they take pretty mixed loads.

13 BOARD MEMBER PAPARIAN: Okay. The cherry picking
14 issue itself though, apart from NorCal, separating from
15 NorCal, is something I'm a bit concerned about in terms of
16 the percentages. One of the ways you can get the lower
17 percentages, as you said, is to cherry pick your loads, in
18 other words decide something, you know, might have a high
19 residual rate so you send it straight to landfill instead
20 of sending it through the C&D facility. And that does not
21 help recycling at all. You'd rather -- even if you could
22 only recycle 50 percent of that load, better to recycle 50
23 percent of that load than send 100 percent of that load to
24 the landfill.

25 MS. EDWARDS: I agree. And equally so, if I had

1 a -- I mean I hate to think I would do this. But if I had
2 to advise someone on how to get around the regs and you
3 kept it at 80, I could do it. And that facility would
4 never recycle anything new. They'd just bring in a bunch
5 of inerts to offset the 20 percent diversion they got on
6 something else. There's lots of ways to play at a
7 facility.

8 So as I said, it seems counterintuitive that
9 we're saying, "Please lower it." But we want new
10 facilities that don't -- we want construction guys to
11 start their own facilities. And start small, 50 tons, do
12 it by hand. And then invest.

13 BOARD MEMBER PAPARIAN: You know, the NorCal
14 number that you mentioned was 35 percent residual with
15 some heavy investment -- or some investment in equipment.
16 You said it's not state of the art, but it's very decent
17 equipment.

18 You know, from your observations is that a
19 number -- I mean, one of the things I would like to see
20 with the number is that it's achievable but provides a
21 little bit of a reach for folks. In other words, they
22 have to work a little bit to get to that number to
23 maximize the amount of recycling, but they aren't put out
24 of business in doing so.

25 MS. EDWARDS: I did testify to that at the last

1 meeting. I said that I would like it higher. At that
2 meeting I think CAW had used a 33-percent rate. And I
3 said, "Gee, I'd like it to be a little higher." But we
4 are all compromising here. We'll never get out of this
5 room if we don't all compromise. And so while I endorse
6 the 50 percent, I can live with 35.

7 BOARD MEMBER PAPARIAN: Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Any other questions?

10 Okay. Our last speaker, Sean Edgar from CRRC.

11 MR. EDGAR: Good afternoon, Madam Chair and Board
12 members. Sean Edgar on behalf of the California Refuse
13 Removal Council.

14 We believe that the appropriate threshold for a
15 full solid waste facility permit is 100 tons per day, with
16 a two-year phase-in maximum with strict enforcement on the
17 back-end, in answer to your question, Mr. Cannella. That
18 was our testimony last month at the P&E Committee on this
19 matter.

20 We believe that the public health and safety is
21 compromised if the Board chooses to allow more than 100
22 tons per day. That information is not only based on -- or
23 is not based on any innuendo or rumor. We believe that
24 that information draws directly from the initial statement
25 of reasons which your staff prepared for this regulatory

1 effort.

2 Specifically, the initial statement of reasons
3 says that this commingled C&D waste stream presents an
4 equivalent risk. It didn't say three times or more, five
5 times less, six times greater. It said equivalent. We
6 know that the current standard for processing mixed solid
7 waste is 100 tons per day for a full permit. We're asking
8 that the same equivalent level be granted for the
9 processing of commingled C&D materials.

10 Contrary to the information provided to your
11 board, C&D waste is not a clean waste stream. We know
12 that everything under the sun goes into these boxes. Our
13 permitted facilities have adequate controls, management
14 practices, and LEA oversight to effectively protect the
15 public and our employees. We had the report from the
16 Department of Toxic Substance Control that says that this
17 waste stream -- that construction sites generally do not
18 manage their waste adequately on site.

19 We also know from the pictures that the Board has
20 seen that everything in the world ends up inside of these
21 loads. And we believe that the present regulatory package
22 falls short in protecting public health and safety and the
23 environment.

24 And one of the items that Ms. Edwards talked
25 about was there are a lot of ways to play at facilities.

1 Well, our facilities don't play because they're permitted
2 for every ton that comes into the gate.

3 We talk about the distinction between tonnage
4 levels. At 100 tons it's approximately 22 truckloads a
5 day at 4 1/2 tons a load. At 300 tons it's 67 truckloads
6 a day. At 500 tons it's approximately 122 truckloads a
7 day.

8 So we know that the registration permit -- as you
9 heard testimony from Mr. Pirie on behalf of the LEA, that
10 there is no requirement under this registration tier. So
11 what this Board is contemplating is allowing these 66
12 trucks a day of mixed solid waste -- mixed construction
13 and demolition waste to be received at a site that has no
14 guarantee that it's gone through a local process, with no
15 guarantee that the LEA has the ability to put any
16 site-specific conditions on this.

17 This is particularly troubling at a time when our
18 discussion just this morning -- community involvement is
19 valued by this Board, I'm sure. We have a lot of members
20 of the community here and a lot of folks listening on the
21 Internet. But the proposed regulations contemplate
22 allowing major construction demolition debris processing
23 facilities to be sited without any community input.

24 There is no CEQA requirement up to 300 tons a
25 day -- up to let's call it 30, 40, 50 boxes a day of this

1 stuff generating 60-some truck trips a day, there is no
2 CEQA requirement.

3 And so we believe that -- and we disagree with
4 Mr. Liss's assessment that somehow the cities are a
5 partner in this venture and they like the idea of having
6 flexibility. In many cases the City or the county is the
7 victim. Mr. Harvey would be able to tell you and also the
8 folks in San Diego, their adventure in paying \$192,000 to
9 clean up the Tijuana River Valley site, one of these rogue
10 operations. This Board should know because in 1998 you
11 paid \$348,000 of the public's money to clean up the same
12 site. Mobile debris box in San Francisco, \$300,000 paid
13 by this Board to clean up that rogue site.

14 So we know that -- we disagree with the
15 assessment that there is no crisis. Well, there is a
16 crisis. But beyond the public health and safety crisis
17 which we've spoken to, I'd like to speak to you just very
18 briefly before I conclude about a few other crises.

19 We have a -- as evidenced by our continuing
20 discussions on disposal reporting system, we have evidence
21 that there's a crisis to be able to count the stuff.
22 Where is it? How much is it? Who recycles it? How many?

23 What we've done in this package, there is no
24 reporting requirement for these facilities. It says they
25 may report the residual. They may not report the

1 residual. The adoption of this package as written hampers
2 this Board's ability and the jurisdiction's ability to be
3 able to quantify what these facilities are actually doing.
4 We believe that's a big hole in the package.

5 And for reference to case studies very briefly,
6 the Board's efforts and Board's information, go to your
7 website and you can check out a lot of very good reports
8 that were done here about mixed C&D processing. And they
9 have some key conclusions I want to share with you.

10 Number 1, on the report about mixed C&D
11 processors, a model for local government recycling and
12 waste reduction, published by this Board, it was noted
13 that these are very intensive operations. That's the
14 word. It's a heavy task to separate this stuff.

15 The C&D providers vary in their diversion rates
16 and their reporting systems. So we have some good actors
17 that were showcased, including some of our members. Green
18 Waste Recovery is an example, 94 percent recycling.
19 Success story via permitted facility. And we know the bad
20 actors that we've already listed for you.

21 So, in conclusion, we would just like to thank
22 the Board for your consideration, and remind you that your
23 initial statement of reasons prepared by your staff that
24 describes the need for this regulation said "equivalent."
25 It did not say three times, five times less impact to the

1 community. The DTSC has told us that these sites are
2 poorly managed. The DRS requirements --

3 CHAIRPERSON MOULTON-PATTERSON: Please conclude,
4 Mr. Edgar. You've gone way over.

5 MR. EDGAR: And we thank you for our testimony
6 and are happy to answer any questions you may have.

7 Thank you.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Any questions?

10 Thank you.

11 That concludes our speakers.

12 And I'd like to start the discussion by making
13 two observations. As everyone here knows, this part of
14 the waste stream has not -- never been regulated. And I
15 believe that we all feel that regulations are important.
16 However, since I've been on the Board I have not been
17 informed of any serious health or safety issues.

18 And I feel strongly that our Governor in his
19 State of the State Address was very specific about the
20 importance of helping small businesses become viable to
21 help stimulate the economy. I was going to quote -- and I
22 believe the gentleman from Looney Bins quoted Governor
23 Davis, and I think it bears repeating: "We will make
24 California more small business friendly. After all
25 America's largest state relies on small business to create

1 more than half of its jobs.

2 Together we will eliminate unreasonable
3 regulatory hurdles and strengthening our small business
4 environment." And as the gentleman also said, he's
5 appointed the first ever small business advocate in the
6 Governor's office, and he will charge that advocate with
7 rejecting all regulations that unfairly impact small
8 business.

9 Also, I want to say that I am so proud of our
10 staff for being objective, for not telling us what they
11 think we want to hear. And I just -- really, I cannot say
12 enough about what you've done. And I'm just very proud of
13 you.

14 And with that I'll open it up to other Board
15 members.

16 Mr. Paparian.

17 BOARD MEMBER PAPARIAN: Yeah, thank you, Madam
18 Chair.

19 First of all, in response to Mr. Aprea's
20 suggestion about what took place in San Francisco, we all
21 got copies of -- I think we all got copies of the
22 transcript from that meeting. And like many transcripts,
23 it shows us all over the place through much of the
24 meeting. But --

25 BOARD MEMBER WASHINGTON: I concur.

1 (Laughter.)

2 BOARD MEMBER PAPARIAN: The final word from a
3 Board member was that -- a suggestion that, "Is there an
4 opportunity to look at -- while you're looking at this reg
5 package through the delay to look at our tiers and say,
6 'Is it appropriate to have a registration tier as opposed
7 to a full solid waste facilities permit?' If you go from
8 0 to 100 it's a notification; 100 to 300 or 400 is
9 registration or even 500 is registration; and then from
10 there on a full solid waste facility permit would seem
11 appropriate."

12 Okay. So that was the final statement from one
13 of the Board members giving some direction to the staff to
14 look at this issue. So I think it was -- it should have
15 been clear to the people participating in that meeting in
16 San Francisco that the concept of registration tiers was
17 on the table, the concept of a number somewhere between
18 100 and 300 or possibly as high as 500 was also on the
19 table in terms of a registration tier.

20 That wasn't me. I mean I wasn't quoting myself,
21 by the way. It was one of the other Board members.

22 Madam Chair, you know, in light of the testimony
23 we've heard today, in light of a lot of what I've heard
24 over the last few months about this issue, you know, and
25 in light of what you suggested in terms of the Governor's

1 stressing of the importance of small business -- and I
2 think that the folks getting involved in C&D businesses
3 are basically today's entry level into the garbage market.
4 I think that it used to be that you could, you know, buy a
5 truck and start a garbage business. But a lot of those
6 opportunities aren't there for small businesses now. But
7 the opportunities for C&D processing and recycling are
8 there for people getting into this arena.

9 I take a lot of comfort in the one percent
10 putrescible limit that's in these regulations, that that
11 will help assure that the really dangerous stuff that
12 could be there in the facilities won't be there and that
13 our LEAs will be able to enforce that limit and assure
14 that these facilities don't become the equivalent of
15 transfer stations or in some way a disposal-type facility
16 with putrescible waste coming in the door.

17 The testimony about what NorCal is achieving in
18 terms of recycling and residuals is important, I think,
19 because I think that really helps set the bar in terms of
20 what can economically be done in this area. Obviously,
21 NorCal has invested some money into this operation.
22 Others struggle -- as we heard from the gentleman from
23 Looney Bins, they struggle, given the economics, to get
24 the equipment necessary to achieve high levels of
25 recycling.

1 Given a figure of 35 percent with some
2 significant investment in the equipment, I would just like
3 to throw on the table that perhaps we pursue a 40 percent
4 residual rate, and then maybe go with 100 to 300 tons for
5 a registration tier -- a fairly narrow registration tier
6 of 100 to 300 tons. And at 300 tons bump it up to a full
7 permit.

8 CHAIRPERSON MOULTON-PATTERSON: Thank you.

9 Mr. Jones.

10 BOARD MEMBER JONES: Madam Chair?

11 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

12 BOARD MEMBER JONES: Madam Chair, just a couple of
13 issues.

14 Mr. Paparian was quoting me. What he needed to
15 quote was a couple of pages before that where I warned
16 everybody that the arguments that we were hearing were the
17 exact same arguments we heard in the transfer station
18 recycling regs.

19 It was also followed after that San Francisco
20 meeting with Mr. de Bie, Ms. Nauman and others in my
21 office crafting a very fine definition as to what the
22 source of that would be. And it would be C&D operation.

23 When that came out as a proposal, all of these
24 so-called small business recyclers opposed it.

25 So I have no problem with taking ownership for

1 the fact that I had actually reached out to do something.
2 My problem is, every time I reach out, it is basically
3 rejected because they want, you know, more.

4 There is a huge problem with basing the 35
5 percent on the testimony of Joan Edwards, God bless her.
6 She doesn't work for NorCal, she doesn't understand the
7 operation of that facility and clearly cannot be who gives
8 you the evidence when you've got two people from NorCal
9 that would have to call their office just to find out what
10 the real rates were.

11 I mean it's real tough when she doesn't
12 understand how those trucks are diverted or what goes in.
13 To sit there and use that as a standard, I'd just throw
14 that out as somebody who takes exception to those kind of
15 operating principles.

16 I want to go back and talk about a couple of
17 different things. I reached out in San Francisco and was
18 told by these people, "no." I supported your proposal,
19 Mr. Paparian, at a hundred tons, which I thought showed
20 courage on your part. That's why I jumped on it.

21 Then when the Chair came up with another one --
22 and I appreciate the Chair's efforts to try to come up
23 with a compromise here. And I said 20 percent. I don't
24 need Joan Edwards or anybody else to tell me who and who
25 doesn't achieve 20 percent. We have a higher purpose

1 here, and it's to protect health and safety. Twenty
2 percent or 10 percent at a recycling center's not easy,
3 but that's the standard that we set.

4 It used to be 15 yards of residual at a recycling
5 center, which really only weighed two tons normally, was
6 the residual amount. And through our discussions we
7 raised that rate up to 100.

8 But the 20 percent was a drop-dead number for me
9 because it was way, way past what I wanted to do. But I
10 wanted to support the Chair in her trying for a
11 compromise. And to receive the amount of letters that we
12 did from this group saying it needs to be 50 percent, it's
13 almost ironic, we're going to get testimony here about
14 zero waste at the same time we're going to get testimony
15 we should have 50 percent residual. That does not make
16 sense to me, considering I'm giving testimony all over the
17 place about zero waste, too.

18 You know, it's easy to pick numbers.

19 The tiered permitting program that we have at
20 this Board has always been easy, because things have been
21 distinguishable. When we looked at recycling facilities
22 and came up with how are they different, why do they need
23 to be permitted, it was very easy to say, "At the 10
24 percent residual they look like a solid waste facility.
25 They need a permit." But if they're just source-separated

1 recyclables they don't need a permit.

2 It's easy to tell the difference. It's easy to
3 tell the difference when we did our ash tiered regs. Ash
4 looks very different than MSW. It is very simple to do
5 our contaminated soils tiered permitting program -- all of
6 these I participated in -- because contaminated soil looks
7 different than MSW.

8 The reason we're all having so much trouble up
9 here dealing with this, is there is no -- there's nothing
10 to distinguish C&D from MSW, nothing. That's why we're
11 struggling with this package.

12 I am -- as a result of the letters, as a result
13 of the testimony, I am rock solid at 100 tons.

14 I'm inspired by Member Washington. When he
15 talked about -- after the issues about Bradley -- and this
16 is probably not fair, Mr. Washington. But, you know, you
17 are good. When you talk, I listen.

18 (Laughter.)

19 BOARD MEMBER JONES: But you talked about Bradley
20 and how clearly -- we need to come up with a process for
21 citizens so that they can have the opportunity to speak to
22 issues around them. While Bradley's a landfill, La
23 Montanya -- somebody said there weren't any bad ones. La
24 Montanya down in Senator Escutia's area, a huge mountain
25 that was created without any input during CEQA. Mobile

1 debris -- people get tired when I talk about mobile
2 debris.

3 Let me tell you why I talk about mobile debris.
4 I had my managers calling every week saying this was not a
5 recycler. And then to have to approve \$315,000 to clean
6 it up sticks in my craw.

7 L&K Debris at the same time in San Francisco
8 operated as a so-called recycler even though they took out
9 four transfer trucks a day of garbage.

10 That being said, Mr. Washington said the
11 community should always be a part of the process. The one
12 thing that you get when you have a threshold of 100 tons
13 per day -- and it doesn't put anybody out of business.
14 But you have a requirement under our regulations that they
15 show us evidence that CEQA was done.

16 So if we're going to talk out of one side of our
17 mouth and talk about how important it is for the public,
18 then we need to stay consistent.

19 And one other thing, just for those of you that
20 don't know, when NorCal started it was with about 215
21 single wagons, my grandfather's being one of them. All
22 small businesses.

23 When we started acquiring Auburn-Placer Disposal,
24 Oroville Solid Waste, Marysville, those were all companies
25 that were owned by one or two people. Those were all

1 small businesses. They became a company of -- a large
2 company of small businesses. So it never stopped our
3 entry into anything back then. That was 10 years ago. It
4 was a long time ago, for me.

5 But I'm rock solid at 100 tons. I have no
6 problem with the phase-in. But I think we need to be
7 consistent with the public's right to know. I don't think
8 it does anything to contradict my appointing authority as
9 well as everybody -- the others of the Governor. I
10 wouldn't do this to harm small business. The idea that we
11 are charged with is to protect the environment and public
12 health and safety. And that's why when the time comes I'm
13 supporting 100 tons, I'm supporting people's right to know
14 through CEQA.

15 CHAIRPERSON MOULTON-PATTERSON: I will be calling
16 on Mr. Medina, but I just have to address something.

17 Mr. Jones, I really appreciated your offer to
18 compromise and support 300 tons last week. And I was
19 going to honor that when I said I'd stick with 20 percent.
20 But since you've taken that back, I guess that's
21 impossible. And I thought we did have a good compromise.

22 Mr. Medina.

23 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

24 As I stated before, I don't look favorably upon a
25 tiered system for permits. I feel that you should -- that

1 a permit should be required for all operations,
2 irrespective of your size. And obtaining a permit should
3 not be onerous and it should not take a long time to
4 obtain.

5 In regard to small businesses, I too am
6 supportive of small businesses. In San Francisco, small
7 businesses are the economic engine that drive the economy.
8 However, having sat on the Board of Permit Appeals in San
9 Francisco for two terms, all small businesses in San
10 Francisco are required to obtain a permit to operate if
11 they wish to remain in business, and that's irrespective
12 of their size.

13 And so I think that if you're going to be an
14 operation or a business in the waste industry, you should
15 be required to obtain a permit and operate by the same
16 rules, regulations, oversight, and enforcement as every
17 other business in the waste industry.

18 There are health and safety concerns as noted by
19 the organization that represents workers. Otherwise they
20 would not be here to testify in regard to worker concerns.

21 And, again, I do not feel that 100 tons will
22 decrease recycling, and I remain supportive of 100 tons.

23 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you,
24 Mr. Medina.

25 Mr. Cannella.

1 BOARD MEMBER CANNELLA: Thank you, Madam Chair.

2 I don't believe anybody here at the Board
3 disagrees that there ought to be a regulation of the C&D
4 inert material. And I think all of us agree and support
5 and would work with Governor Davis to make sure that the
6 small business community is not encumbered with
7 unreasonable regulations, so that they may continue to add
8 to the economy and continue to create jobs.

9 I don't remember anything in the Governor's
10 speech that said that we ought not to regulate the small
11 businesses so they don't provide for a reasonable tax on
12 the public health and safety. So I think that we all
13 agree with what the Governor said and support and also
14 work towards that.

15 I think at the last meeting we had a real telling
16 discussion about what it takes to get a permit. We got
17 all confused about going to a full CEQA or EIR to operate
18 a C&D facility. But in fact I think it became clearly
19 evident that in order to operate a business in any local
20 community, that the local planning agencies in reviewing
21 the conditional use permit will impose restrictions that
22 will protect the public health and safety.

23 Also, it's most likely that in an industrial zone
24 or a commercial center where most of these C&D operations
25 would take place, there was probably a master EIR or some

1 addressing of the area as relates to the type of
2 activities that would be allowed there.

3 It would seem to me, just quite reasonable to
4 assume, that anybody who had a permit to operate a C&D
5 facility at this point and, whatever the tonnage that we
6 would eventually agree on, have to go get a full permit,
7 that 99 percent of the work would already have been done
8 based on the activity that was necessary to operate the
9 business in the first place.

10 I'm concerned about the local government. We had
11 Mr. Pirie from Napa, the LEA, who was concerned about how
12 they were going to enforce all of these regulations, how
13 they were going to know what use was being conducted on
14 this property, how they were going to know what the
15 tonnage was. And there were a lot of concerns that were
16 raised from him.

17 But I believe that the 100 tons is appropriate;
18 that the argument about we're going to put people out of
19 business and we're going to eliminate small business
20 community is not well founded, given the fact that the
21 local communities do have public hearings, they do have
22 conditional use permits, they do have regulations that
23 have been adopted by the City councils and the planning
24 departments that would provide for protection of the
25 health and safety of their residents.

1 And so I am not opposed to the regulations,
2 number 1. I'm certainly not opposed to the 100 tons. I
3 believe that with the residual set at 35 percent and the
4 putrescible at one percent, that we would continue to
5 allow the folks to stay in business. I believe that the
6 buy-in time or the two-year period, or whatever is to be
7 determined by the full Board, is a reasonable amount of
8 time to allow folks to secure their full permit.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
10 Cannella.

11 Mr. Washington.

12 BOARD MEMBER WASHINGTON: Thank you, Madam Chair.

13 Let me first of all say that this has been, to
14 say the least, an experience and a half for me --

15 (Laughter.)

16 BOARD MEMBER WASHINGTON: -- to hear in the last
17 two weeks an issue that I believe should have been
18 resolved some time ago, and at this point we're still
19 discussing where we should be as it relates to this issue.

20 But let me say this, I sit here and I hear
21 speaker after speaker, Board member after Board member
22 speak about what this is and what it is about and what
23 it's not about. Let me give you my perspective on this in
24 the last two weeks that I've had the chance to try to
25 understand this issue.

1 It is about public safety. It is about small
2 businesses. It is about making sure that in California
3 people have an opportunity to thrive whether they are
4 small or big. It is about making sure that there's a
5 level playing field that's involved with this process. I
6 don't believe anyone should get a free shake on this. I
7 believe that any time -- I think I said this earlier --
8 that any time anybody wants a permit, that it has to go to
9 the public.

10 And I hope that staff would come up with some
11 suggestions as to how -- when permits come before this
12 Board, that there is public participation. And I'm not
13 just talking about a public hearing where the LEAs do
14 their hearing, where nobody shows up. Because half of the
15 time when they hold their public hearings, it's a hearing
16 they have down in city hall that's -- and I gave, for
17 instance, from Bradley Landfill, half of the people that
18 live in that community can't get down to city hall in
19 southern California. And, you know, these hearings have
20 to be hearings that are hearings where the community can
21 really get involved with these issues so they can raise
22 their concerns.

23 I think that Mr. Paparian has offered something I
24 think is doable. I think we need to go and look at the
25 100 to 300 tons. And I believe that there ought to be a

1 30 percent residual and, you know, to making sure that
2 everybody -- and I hear the word from almost every member,
3 talk about a compromise. A compromise is really sitting
4 down and putting together a plan where this Board would
5 leave with some C&D regs in place. And we're charged with
6 that responsibility to do that if that's what we are going
7 to do.

8 And so I want to make sure that we do move
9 forward and bring it to some conclusion. I'm not
10 interested in whether it's the big guy or the little guy.
11 I want to make sure that Californians thrive. And people
12 have a right to be in business. And at the same time, I
13 believe they should have some strenuous regulations set in
14 place. And if you are going to participate in this
15 process, as Mr. Jones said, that you just don't walk in
16 here and think you're going to get a permit and you can go
17 out and do what you do best.

18 That you do have to meet some requirements, and
19 that they shouldn't be requirements that should be handed
20 out at the door when you come in, that you really have to
21 work to meet those requirements.

22 And so I'm prepared to support the idea that Mr.
23 Paparian has offered, from the 100 to 300 tons. And,
24 again, I'll go with the 40 percent. But I believe that 30
25 percent is even more of a compromise to me in the sense

1 that we want to try to make sure that we have something in
2 place that is doable.

3 And so I thank everyone for all the comments I've
4 heard. And I tell you, I have a lot of stuff in my brains
5 from the last two weeks that, you know, I've tried to
6 operate from. And the information has been very valuable
7 with this particular issue.

8 Thank you, Madam Chair.

9 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
10 Washington.

11 As you know, we don't need to take a vote on
12 this. We need to go out for 15 days.

13 My position is that we raise the lower limit from
14 50 to 100 for the arguments that were given in the staff
15 report. I am for 300 tons per day. And I think the
16 residual limit should be 30 percent. And I strongly feel
17 that we should consider fines for enforcement.

18 And that's where I'm at.

19 Mr. Jones.

20 BOARD MEMBER JONES: I don't quite understand how
21 we can send this out if there's three of us that want to
22 be at 100 tons and three that want to be at something
23 else.

24 How can we send a reg package out when there's
25 not four affirmative -- if it's not vote direction? Right

1 now we have a Board that is split, I think, 3 to 3.
2 That's not an affirmative direction. And clearly I don't
3 know how you send out a reg package when you've got the
4 governing board that is not -- a majority of that board
5 that's willing to face one or another. To me, I think --

6 BOARD MEMBER WASHINGTON: Mr. Jones, isn't this
7 an issue where we have a fourth member as soon as tomorrow
8 at 11:00 o'clock where we'll have a chance --

9 BOARD MEMBER JONES: We have six members, Mr.
10 Washington.

11 BOARD MEMBER WASHINGTON: I'm sorry?

12 BOARD MEMBER JONES: We have six members. Four
13 of the six normally have to approve -- concur or not
14 concur. This is a case where there's six sitting Board
15 members. We have a full Board. Three have said they want
16 a registration tier with a residual and three have said
17 they want 100 tons. I don't understand how that reg
18 package can go out as written when there isn't concurrence
19 by this governing Board when it's split.

20 BOARD MEMBER PAPARIAN: Madam Chair.

21 Ultimately we're not voting -- we're not voting
22 on this reg package until we actually vote on it. I think
23 the risk we run is a deadlock which then leads to no
24 regulation package and these facilities being unregulated.
25 And that's where we are in agreement, that these

1 facilities ought to be regulated for the public health and
2 safety. But I'm satisfied with the direction here.

3 I think that -- you know, at some point in a
4 situation like this -- you know, we have a leader of this
5 Board and she's trying to give some direction which it's
6 hoped that will help us move forward. Absent that
7 direction, we have deadlock potentially, and with deadlock
8 we have no regulatory package. And I think that's the
9 worst situation.

10 BOARD MEMBER JONES: Honestly, Mr. Paparian, I
11 think that the idea that we don't have regulations for
12 C&D -- there was a reason. Mr. Washington asked us before
13 how come we didn't do this in '99. We had a reg package
14 coming forward, and there was an issue over disposal of
15 inerts into permitted facilities. And so the discussion
16 that -- then I think was at 100 tons also got diverted
17 because of this issue about fees, \$1.34 a ton.

18 So we went another three or four years without a
19 set of regulations. I'm not comfortable with that reg
20 package going out without a majority of the Board
21 approving the direction. Because I'd rather have no
22 regulations and listen and then enforce LEA Advisory
23 Number 12 to do oversight than to send out a reg package
24 that this -- that a majority of this Board does not concur
25 with. Because it doesn't matter if they go out for more

1 comment. We're going to hear the same comment. We flip
2 flopped on this 10 times. And it is unbelievable that we
3 would send this package out to the public with an
4 expectation that we'd have a reg package when three of the
5 members --

6 CHAIRPERSON MOULTON-PATTERSON: Last month you
7 said that -- two weeks ago you said you could live with
8 300.

9 BOARD MEMBER JONES: No, at the 20 percent. And
10 all of these folks that sit there and say that they can't
11 operate at 50 percent and you're talking 30 and 40 percent
12 and I said --

13 CHAIRPERSON MOULTON-PATTERSON: I'm talking 30.

14 BOARD MEMBER JONES: That's not 20. And I said
15 as soon as those letters --

16 CHAIRPERSON MOULTON-PATTERSON: Ms. Tobias --

17 BOARD MEMBER JONES: -- started coming in that
18 this was a scam to be on --

19 BOARD MEMBER WASHINGTON: Madam Chair, I would
20 like to get a legal opinion on this.

21 CHAIRPERSON MOULTON-PATTERSON: Yes, I was -- Ms.
22 Tobias, I believe the Chair can give direction. This is
23 not a vote.

24 Could you answer.

25 CHIEF COUNSEL TOBIAS: That's my understanding,

1 that's the Chair's prerogative in this.

2 CHAIRPERSON MOULTON-PATTERSON: Thank you.

3 BOARD MEMBER CANNELLA: Madam Chair?

4 CHAIRPERSON MOULTON-PATTERSON: Mr. Cannella.

5 BOARD MEMBER CANNELLA: I'd have to agree with
6 Mr. Paparian. I think that if we're a deadlocked board
7 and nothing happens, then you run the risk of not having a
8 reg package. I just think it would be appropriate even
9 though we are split that it goes out for the 15 days if
10 that's the desire of the Chair. It comes back. We set it
11 for another hearing. And you either adopt it or you
12 don't. If it blows up after 15 days, your last 15-day
13 hearing, we won't have any reg package.

14 So I certainly agree with Mr. Paparian, that I
15 think it's best to move it forward even though we're
16 deadlocked. Who knows what the next vote will be. But if
17 we just sit here and deadlock it and not take any action,
18 then we certainly run the risk of not having a reg package
19 before this Board goes for a vote.

20 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

21 So you have the direction?

22 ACTING DEPUTY DIRECTOR WALKER: I just wanted to
23 make it clear now.

24 We have the direction, and we will go forward
25 with the 15-day comment period, and we will be back before

1 you in March for consideration of adoption.

2 CHAIRPERSON MOULTON-PATTERSON: Okay. It will be
3 in March?

4 ACTING DEPUTY DIRECTOR WALKER: Correct.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

6 And I'd like to call a recess. Fifteen minutes
7 please.

8 (Thereupon a recess was taken.)

9 CHAIRPERSON MOULTON-PATTERSON: I'd like to call
10 our meeting back to order.

11 And any ex partes?

12 Mr. Jones.

13 BOARD MEMBER JONES: No.

14 CHAIRPERSON MOULTON-PATTERSON: Mr. Cannella.

15 BOARD MEMBER CANNELLA: Kelly Astor just to say
16 hello.

17 CHAIRPERSON MOULTON-PATTERSON: I had none.

18 Mr. Medina.

19 VICE CHAIRPERSON MEDINA: None to report.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: Yes, I spoke with Kelly
23 Astor, Gary Liss, Joan Edwards, and John Cupps about this
24 past agenda item.

25 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

1 Mr. Washington.

2 BOARD MEMBER WASHINGTON: Yes, Madam Chair. I
3 spoke with Kelly Astor and Mr. Marc Aprea about the C&D
4 regs.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you.

6 Okay. Well, it's been so long, I hope I get this
7 right, because we were on Item 35 on the strategic plan.

8 And we hadn't finished with staff's report, had
9 we? And then we have two speakers.

10 So, Mr. Levenson. Sorry for the interruption.
11 As you know, this is very important to us. And we
12 appreciate all of your work. Sorry we had to interruption
13 you.

14 MR. LEVENSON: No apologies needed. We
15 appreciate a chance to come back and have some more
16 discussion.

17 Actually I had finished my presentation. And I
18 really just to go back to a little bit before 11:00
19 o'clock, we were just seeking your general direction to do
20 more exploratory work in the areas of procurement, waste
21 prevention, product stewardship, and green building. And
22 if you do wish us to do more work in that direction, we
23 will work on that through Mr. Leary's direction and report
24 back to you, as he indicated, in April or May, along with
25 considerations for some of the other goals. And there was

1 the one outstanding area of just general promotion of the
2 zero waste concept, which I believe you have a couple
3 speaker slips on that.

4 So that's all I've got to say.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. Before I
6 go to speakers, any Board member comments or questions?

7 Mr. Cannella.

8 BOARD MEMBER CANNELLA: Yeah, Madam Chair, if I
9 could just comment a little bit on the zero waste. I know
10 that the Chair takes a -- for the speech she made down at
11 the SWANA meeting about being an advocate for zero waste.
12 And I think it's absolutely appropriate for this Board to
13 be an advocate for zero waste. As was brought up many
14 times, AB 939, everybody scoffed at the requirements of
15 getting 25 percent to 50 percent. Here we are with some
16 communities doing above that.

17 So I think that this is one of the areas that the
18 Board ought to be very aggressive in in trying to achieve
19 the zero waste. We may never get there, but that doesn't
20 mean we ought not to try.

21 And, secondly, I'd just like to say that I asked
22 for some volunteers a couple months ago to meet with me
23 and a couple of staff folks to discuss, if they were king
24 or queen for the day and there were no regulations, "how
25 would you go about achieving zero waste?" We had two

1 terrific days with a lot of very talented folks who worked
2 for the Waste Board. And I'm sure that they would be
3 willing to continue with that.

4 One of the reasons that they came is I would not
5 disclose their names. And it was just something that I
6 wanted to do to get brought up to speed. But I have a
7 list of recommendations that they put forth that they
8 thought we would be able to get to zero waste.

9 I certainly would make that available to you,
10 Madam Chair and any other Board members.

11 But, again, I think that this Board's mission in
12 life would be to take up the mantle of zero waste, to
13 pursue it, to discuss it, to be champions of it, and to
14 develop a list that would allow us to approach the zero
15 waste thing. And I would like to publicly thank all those
16 folks who came and met with us in the conference room who
17 gave of their time and their energies and their talent to
18 develop a list of things that we could do to get to zero
19 waste.

20 CHAIRPERSON MOULTON-PATTERSON: I think we'd all
21 be very interested in seeing that. And I thank you for
22 taking the initiative.

23 And I agree. It's something we have to strive
24 for.

25 Mr. Paparian and then Mr. Medina.

1 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

2 And what a clever and creative idea. I look
3 forward to seeing that list too.

4 I wanted to thank Rubia for heading up the effort
5 to bring the strategic plan elements forward to the Board.
6 I know it's been a challenging process. But I think it's
7 important to try to keep us focused on what the strategic
8 plan said and the directions we may want to head in as a
9 result of the strategic plan.

10 I also wanted to thank Howard for his work with
11 the Board staff in putting together the details of this
12 agenda item.

13 Well, I have a couple other thank you's actually
14 before I mention some substantive stuff. There's kind of
15 a brain trust out there in the public as well as our
16 staff. But in the public there's a little brain trust on
17 zero waste. And a couple of them are here today, Garry
18 Liss and Liz Citrino, who have done some really good work
19 in this area and really have helped to stimulate some of
20 the California thinking on zero waste. And I'm certainly
21 very appreciate of their efforts.

22 When the zero waste element or the zero waste
23 item got into the strategic plan and when the strategic
24 plan passed, you know, I think a lot of people may have
25 expected me as the environmental seat to run with that and

1 do a lot of public work on that. And what happened I
2 think was pretty interesting. I think, Mr. Jones, you
3 took quite an important leadership role and surprised a
4 lot of people on your public statements about zero waste.

5 It certainly didn't surprise me, given a lot of
6 the things you have said previously at this Board. But I
7 think you very ably represented the position of the Board
8 with regards to why we were approaching zero waste and why
9 we were going in that direction.

10 Mr. Cannella mentioned the Chair's speech to
11 SWANA on this issue. I wasn't quite so happy with the
12 rebuttal by the Waste Management representative after the
13 Chair's speech. But I have since been assured by Waste
14 Management's California representatives that we may have
15 been misinterpreting that criticism somewhat. And
16 certainly the Waste Management representatives in
17 California have indicated to me privately, hopefully they
18 will publicly at some point, that they are comfortable and
19 supportive of the direction that we have in the strategic
20 plan.

21 Well, some of the questions that we're going to
22 deal with are what are we going to do next with this item
23 in the strategic plan. I look forward to hearing the
24 comments in a minute, but I had some suggestions as well.

25 I think public outreach is going to be a really

1 critical component of what we do with the zero waste item.
2 It's going to be real key to really make widespread the
3 concept of zero waste; the businesses that are out there
4 that have already embraced zero waste as part of their own
5 strategic thinking, publicizing those businesses, trying
6 to make the thinking mainstream more than it is now.

7 So I look forward to working with Frank Simpson's
8 shop in their own outreach plan and, you know, through
9 other mechanisms to assure that the zero waste concepts
10 are really out there front and center on what we talk
11 about from the Board and what we publicize from the Board.

12 When counties update their planning documents and
13 give them to Mr. Schiavo every few years, perhaps we might
14 consider zero waste as being one of the issues that are
15 discussed in those documents.

16 Increasing education and training for recycling
17 coordinators at cities and counties might be another one
18 to look at.

19 Thanks to Mr. Jones' efforts, we've undertaken an
20 aggressive effort to train landfill operators. And Sharon
21 Anderson's branch does a great job with LEA training.
22 Perhaps we could look at ways to train local recycling
23 coordinators and maybe working with the League of Cities
24 and CSAC in some sort of partnership to reach out to that
25 constituency. Maybe even consider a formalized training

1 effort or even an informal training effort.

2 And then my last thought, Madam Chair, is that,
3 you know, based on what we hear today, based on what
4 Howard develops, perhaps if you feel it's appropriate at
5 some point it might be worth putting together a special
6 subcommittee to look at what we could do to implement
7 these things or perhaps assign it to one of our standing
8 committees to look at what to do with these items.

9 CHAIRPERSON MOULTON-PATTERSON: I think that
10 would be wise, and thank you for bringing that up.

11 Okay. We have -- oh, I'm sorry, Mr. Medina.
12 You've been patient. I'm so sorry.

13 VICE CHAIRPERSON MEDINA: I did want to mention
14 one other activity. And that's that we did sign an
15 agreement with the Morongo Tribe to do sustainable
16 development. As a result of that, they did sign a lease
17 with the Perrier Bottling Company, and as a result Perrier
18 did a sustainable building on their property.

19 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
20 Medina. And I know you've worked really hard on that. I
21 just happened to be in Temecula, one of the other casinos.
22 Have we had any interest from other tribes?

23 VICE CHAIRPERSON MEDINA: We have a staff
24 committee. There's a lot of interest among the tribes,
25 and we do have a staff working on that.

1 CHAIRPERSON MOULTON-PATTERSON: Okay, great.

2 Thank you.

3 BOARD MEMBER JONES: Madam Chair.

4 CHAIRPERSON MOULTON-PATTERSON: Okay. Our two
5 speakers are Gary Liss representing Global -- oh, I'm
6 sorry. Mr. Jones, sorry. I need one of these -- I've
7 been asking for one of these where I can really call
8 everybody in order.

9 BOARD MEMBER CANNELLA: Well, it was very low.
10 I'm having a hard time.

11 (Laughter.)

12 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: Madam Chair, thanks.

14 I appreciate this agenda item. I think when Mr.
15 Leary gave his presentation, he talked about choices that
16 had to be made. We've got limited resources. We've got a
17 budget that's going to be strained to the gills. I don't
18 think that I would want to see this item come back unless
19 there was a discussion about what kind of things we would
20 not be putting staff time to. I think it's aggressive to
21 talk about a program of training recycling coordinators.

22 One of the things we're going to be doing in our
23 Planning Committee is having a workshop on single stream,
24 because most 1066 forms that we see coming in are changing
25 programs to go to a single-stream recycling program to

1 increase participation and material for AB 939. The
2 problem is, if cities aren't aware of the contamination
3 issues, you contaminate more material. That workshop
4 hopefully will be in April.

5 And I think it's important because if we're going
6 to take on a role or even have the idea that we can train
7 recycling coordinators, we've got to make sure that we
8 understand the kinds of programs that are going to work in
9 different jurisdictions. And somebody's got to train us,
10 somebody's got to train the consultants.

11 I thought it was funny when Joan Edwards was
12 talking about South City's failure at C&D recycling. They
13 had a failure with their consultant too that also belongs
14 to all these same organizations that proposed about 60
15 percent recycling and actually got 22 out of the deal by
16 the time we took out all the bogus numbers.

17 So I think we've got to, if we're going to go
18 down this road of really being focused -- I like the idea
19 of being focused. I think it's almost impossible in this
20 environment, unless you are very clear at the time that
21 you present a proposal for work, that you also identify
22 areas where work is going to either stop or be minimized.
23 Because you can't come through this process with "I'm
24 going to do," "I'm going to do," "I'm going to do," and
25 then the last meeting becomes, "and these are all the

1 things we're not going to do," because nobody's going to
2 agree to that and they're going to end up saying, "No, we
3 want you to do it all," and we don't have a budget. I
4 don't think, that's going to allow that.

5 So I would only caution that, as Mr. Leary I
6 think said in his opening remarks, that there needs to be
7 a focus on things that the Board wants you to do and
8 things -- so you need to identify some areas. I think
9 these all make sense to me. But there's got to be a give
10 up somewhere along that line of where you think we can
11 stop putting resources.

12 CHAIRPERSON MOULTON-PATTERSON: I certainly agree
13 and --

14 EXECUTIVE DIRECTOR LEARY: Madam Chair, if I
15 might.

16 CHAIRPERSON MOULTON-PATTERSON: Mr. Leary.

17 EXECUTIVE DIRECTOR LEARY: I very much appreciate
18 the feedback you've given us so far on these items. And
19 maybe there's more. I don't mean to cut it off at this
20 point. But I think you can anticipate, as I anticipate,
21 that as we do these items in the next two months, there
22 are going to be lots of other ideas that are great too in
23 response to Goals 2 and 4 and 3 and 5 and 6. And so
24 there's going to be a pretty significant menu.

25 And that's what I was trying to address in my

1 opening comments, is as we generate that significant menu,
2 I just ask that we all recognize a limitation on our
3 resources; and that part of our staff analysis and part of
4 the difficult job we will do for you is to make some
5 specific proposals about what items or what activities we
6 may not want to do any longer in the interest of taking
7 this new growth to the future, as you so adequately put it
8 or so well define in your address, Madam Chair.

9 So I just -- it's just the tempering I want to
10 make sure we do. And the resources that are limited are
11 not so much fiscal as they are the hiring freeze and the
12 administrative process that we now have to work within in
13 terms of getting folks on board. It's going to be a very
14 challenging environment for us to add people and
15 resources. So we're just going to be stretching our
16 in-house expertise even farther.

17 CHAIRPERSON MOULTON-PATTERSON: And I agree. You
18 know, we certainly can't do everything. But I think that
19 what we have proposed in the strategic plan are the
20 guiding lights that we need to be striving for. And if
21 we're doing things that aren't in that, then we've got to
22 reshuffle. That's my opinion.

23 Garry Liss.

24 MR. LISS: Madam Chair, members of the Board,
25 thank you again for the opportunity to speak before you

1 today. I'd also like to thank you for those comments that
2 you all have made about zero waste this afternoon and, in
3 general, the leadership of this Board for the concept of
4 zero waste.

5 I too would like to commend staff on the
6 excellent report that was prepared in the presentations of
7 many items that do support the concept of zero waste.

8 However, the one thing I'd like to point out is
9 on page 6 of the report under "Potential areas to explore
10 or do more," the second paragraph talks about a broader
11 issue that staff seeks direction on is whether and how the
12 Board wishes to further promote zero waste as an overall
13 concept.

14 And I think that's a critical element for the
15 Board to give direction to staff on. The issue of zero
16 waste is one that is not easily understood by people when
17 they first hear it. When we tell people that businesses
18 have achieved over 90 percent waste diversion and we
19 consider them zero waste businesses, or darn close, it
20 gets their attention. And it proves that zero waste is a
21 good direction to head to, that there is success happening
22 in the business sector, and that others can, therefore
23 strive, for it, that it's not totally impractical, that it
24 just requires a lot of things to be done.

25 And so the overall concept of zero waste needs to

1 be promoted. Companies that have adopted waste-free
2 environments, like Xerox, and want to be zero-waste
3 leaders, like Fetzer Vineyards and Hewlett-Packard, are
4 companies that we want to spotlight, we'd like the Board
5 to spotlight as zero-waste businesses, as zero heroes.

6 We'd like you to provide models of zero -- model
7 communities that are working towards zero waste. One of
8 the ironies of AB 939 is there's this emphasis on getting
9 everyone up from the least common denominator up to 50
10 percent when we've got over 200 that have met or exceeded
11 the 50-percent goal in California.

12 Why don't we challenge those 200 to go further,
13 to go for zero waste? The Board could just put out a
14 challenge, without much resources behind it, and set a
15 goal asking local governments to meet -- to set higher
16 goals, like Alameda County and Los Angeles and others have
17 done. Why don't we institutionalize that by the Board
18 asking people to do that, to go beyond, to reach to zero
19 waste or at least to go beyond 50 percent to get our
20 overall statewide diversion goals up higher.

21 We'd like you to consider in the WRAP program
22 recognizing zero-waste businesses as that category and
23 promoting them as zero-waste businesses.

24 Mr. Paparian provided a letter of support to the
25 Grass Roots Recycling Network proposal we prepared to have

1 EPA fund some outreach to develop zero-waste business
2 principles that would be the basis for social responsible
3 investors considering the performance of companies doing a
4 good environmental track record.

5 We also concur with Mr. Paparian's suggestions
6 that he made earlier this meeting about next steps that
7 need to be done on public education and training are
8 critical. The Global Recycling Council of CRRRA offers and
9 invites you to participate, to designate a staff to help
10 us organize zero-waste workshops this spring and through
11 the course of this year, north and south, in urban areas
12 of the state, to get these concepts moving and provide
13 leadership on what zero waste means to local governments
14 and businesses around the state.

15 We encourage you to do more case studies of
16 zero-waste businesses in model communities.

17 And we'd like to differentiate between the
18 minimum standards discussion that we had on the C&D regs
19 and what zero waste is about. Zero waste isn't the
20 minimum. It isn't the least common denominator. It's the
21 challenge of where we want our leadership to go. We want
22 you to challenge all of us in the state to be the best we
23 can.

24 And as Mr. Paparian indicated, the county plans
25 is one of the best tools for you to do that, at very low

1 cost. If you just included information about zero waste
2 and highlighted communities that have adopted zero waste,
3 and encourage in the review of county plans as they come
4 forward to the Board had they considered zero waste as a
5 goal, that would get people thinking about that.

6 We'd like to have zero waste incorporated into
7 other Board training programs. It was mentioned by Mr.
8 Jones of the single-stream training coming up. Why not at
9 the single-stream conference talk about zero waste, as
10 single stream is one of the key components that will lead
11 into a zero-waste future in many communities.

12 The LEA Council last fall had a zero-waste
13 session. We need to have all the different interest
14 groups around the state learning about having zero waste
15 training. Your recycled products conference could have a
16 zero-waste component to it.

17 So you can leverage resources. You don't have to
18 choose what you're going to drop completely instead of
19 zero waste. You can leverage the resources. Where you're
20 at, when you're there, do zero waste also.

21 Challenge local governments to go beyond 50
22 percent, adopt higher goals, and promote through the
23 infocycling and local assistance. Those are the
24 suggestions I have. Those are critical elements that were
25 part of the report.

1 I had spoken with Mr. Levenson about it. And he
2 clarified, as he has in the report, that he doesn't have
3 direction from you to do those things. He has direction
4 for those specific components that he highlighted to you.

5 I urge you to give staff direction to promote the
6 overall goal of zero waste to businesses and local
7 governments through existing tools as much as possible.

8 Thank you.

9 BOARD MEMBER JONES: Madam Chair?

10 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
11 Liss.

12 Questions or comments?

13 Mr. Jones.

14 BOARD MEMBER JONES: I have a question.

15 You talk about the cities that are over 50
16 percent. We have a lot of cities that are over 50 percent
17 for only one reason: New waste generation studies that
18 got in before we caught them and their manipulations.

19 What do you do as the leader of all these
20 different organizations when you see falsification of base
21 years that distort what really goes on in a community,
22 where a consultant's been paid to put together a
23 generation study that honestly reflects what's going on in
24 that city, and then our staff goes out and does an audit
25 and in some cases cuts that diversion by as much as 66

1 percent? What do you do as an organization to promote
2 recycling, number one, to 50 percent mandate, number 2,
3 and zero waste, number 3 -- what's your reaction to that
4 kind of practice?

5 MR. LISS: In the early days of AB 939 we had
6 that very issue, the issue of counting versus recycling.
7 And as CRRA -- when I was Policy Chair and then Executive
8 Director of CRRA, what we came up with is we said focus on
9 acting, not counting. And we talked about the joy of
10 recycling. That what 939 was about was giving residents
11 and businesses what they wanted to do. And we said that
12 if you provide recycling, they will participate. If you
13 do it conveniently, they will participate. And, low and
14 behold, look what we have. It's happening around the
15 state. So the key is new programs.

16 And as far as the shell game that's going on, I
17 wouldn't want to be in your shoes. I, thank God, don't
18 have to deal with those issues day in and day out. I
19 personally have much disdain for communities that are
20 playing the shell game and achieving goals by manipulating
21 numbers and not providing the services to their residents
22 and businesses.

23 Because, bottom line, what will drive the
24 businesses is money. The beautiful thing about zero waste
25 for businesses is they will save money if they reduce

1 waste and they eliminate waste. That's where the real
2 savings come. If they can reduce by designing it out,
3 they eliminate huge costs for production and disposal.

4 So there's a lot of drivers here. That's what I
5 would say to communities -- and I'm not in your position
6 that I have to say that everyone meets the same standard.
7 I go and I'm looking for my friends. I'm saying right now
8 for zero waste we need to find real communities doing real
9 things, and then promote the hell out of that. And we
10 need to get real models of businesses and communities
11 showing the way, and then everything else will follow from
12 that.

13 That's what we did in the '80s. San Jose led the
14 way. When I was their solid waste manager for 10 years,
15 we -- when I got there, there wasn't one ton recycled by
16 the local waste hauler. When I left subsequently it
17 became a national model. I'm proud of that. And action
18 speaks louder than words. We need to act -- challenge
19 people to go to zero waste. And those who go will pave
20 the way for the others to follow.

21 CHAIRPERSON MOULTON-PATTERSON: Thank you.

22 Any other questions?

23 Okay. Next speaker is Liz Citrino representing
24 California Resource Recovery Association.

25 MS. CITRINO: Good afternoon Madam Chair, members

1 of the Board and Waste Board staff.

2 It was really interesting for me this morning to
3 listen to some of the comments from staff. And I think,
4 you know, just in terms of everybody's concern about the
5 limitations of resources, you know, I think you could draw
6 an analogy from that. And that is exactly what brought us
7 all here in the first place, is concern about the
8 limitations and the use of resources.

9 And so rather than coming here today to ask you
10 to give us something or to contribute something, I've come
11 here today hopefully to give you something. And, that is,
12 as part of the California Resource Recovery Association,
13 we were successful in getting some grant funding last year
14 from the U.S. EPA Region 9 to implement a project called
15 Zero Waste for Rural Communities.

16 And I'm the project manager for that. I'm
17 working with a steering committee, which includes Margaret
18 Gainer of Gainer and Associates in Arcata, who specializes
19 in rural community development; with Kate Krebs from the
20 National Recycling Coalition; with Eric Lombardi from
21 Boulder's Eco-cycle program; and with a number of other
22 individuals to work with identified rural communities who
23 are interested in incorporating practices and policies of
24 zero waste into their integrated waste management plans.

25 We've identified a list of 12 or 13 rural

1 jurisdictions who are either due for or overdue for the
2 review and the revision of those plans. And we will be
3 working with them to provide workshops, to provide
4 technical assistance, to provide sort of a mentoring
5 project team that will participate in their community
6 planning process so that we can actually help them to take
7 some of the examples that exist in the larger world and
8 use them to their advantage in making their plans sort of
9 a living document. And when you look at the plans that
10 were adopted in the mid-nineties, typically what you see,
11 particularly in the goals and objectives, is that they're
12 all tied to achieving the 50-percent goal by the year
13 2000.

14 Well, those communities we acknowledge have
15 either made it or they haven't made it. But in any case,
16 getting somewhere by the Year 2000 is no longer relevant
17 because we're past there. So at a minimum those
18 communities need to be looking at what they originally
19 planned to do, whether they got there or not, and what
20 changes they have to make in order to keep moving as we go
21 forward.

22 And so essentially, you know, the Board, the
23 Board staff has been involved in this project from the
24 beginning. Board staff wrote a letter of support when we
25 submitted the application to U.S. EPA which was helpful in

1 getting the grant funding.

2 Board Member Jones participated as a speaker at
3 the workshop we did in the Oakland conference. We had a
4 great turnout at that workshop.

5 And the goal is to -- not only to help these
6 rural communities, which is part of the Board's charge, is
7 to specifically find ways to help rural communities, but
8 also to create a document that can be of assistance to
9 larger urban communities as well.

10 The end product will be not only to find three or
11 four jurisdictions who will work with us through this
12 community-based process in order to bring their plans up
13 to sort of a zero-waste perspective, but also at the end
14 of it to have a document which is roughly about an inch
15 thick which has access to all jurisdictions electronically
16 through resources so that we don't end up with 900-page
17 plans like Humboldt's original SRRE was.

18 So that's basically where we are. I certainly
19 continue to invite the Board to designate a staff person
20 to participate on the steering committee. That's an
21 invitation that I made probably almost a year ago, and
22 that continues to be an open invitation.

23 The steering committee is meeting and will
24 continue to meet. I certainly would invite the Board to
25 encourage some of the staff members to participate in the

1 workshops we're doing in the rural communities. And I
2 will keep all of you informed as we get the communities
3 signed on and as we schedule those workshops.

4 And I would hopefully ask that the Board might be
5 able to distribute our invitation letter to those rural
6 communities through your electronic contacts network.

7 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.
8 And please keep us informed of those dates. I know we'd
9 like to participate.

10 Okay. That concludes -- any final comments on
11 Item 35?

12 Mr. Cannella.

13 BOARD MEMBER CANNELLA: Yeah, Madam Chair, let me
14 just say once again that when AB 939 was passed and
15 implemented there was a collective sigh of relief from
16 most of the communities when they reached their targeted
17 goals. And it's kind of like, "Okay. We did that.
18 There's nothing left to do." I think that we need to
19 change that way of thinking, that again the Board needs to
20 take an aggressive position to be leaders in directing --
21 or moving towards zero waste.

22 One of the things -- interesting enough, that
23 this group that we met about zero waste, one of the things
24 they recommended is that perhaps we change the name from
25 zero waste. Zero waste means either you do zero or you

1 don't, and so you never achieve a goal. So maybe there
2 needs to be some thought about what you call it as opposed
3 to just zero waste, something that doesn't give those
4 images that it's either black or white.

5 But again, this is my last opportunity to speak
6 on it, but I do believe that one of the responsibilities
7 of this Board is to move to the next step, from 939 and
8 the 50 percent, to discussion now focused on how do we go
9 beyond 50 percent and how do we get to zero waste or
10 whatever you call it.

11 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
12 Cannella.

13 Any other -- Oh, Mr. Paparian. Sorry.

14 BOARD MEMBER PAPARIAN: Thank you, Madam Chair.

15 Staff I think was looking for a little bit of
16 direction, at least the recommendation is that the Board
17 direct staff to do certain things. And I would suggest
18 that we go ahead and support that direction.

19 I'd like to add that we try to engage the Public
20 Affairs Office in this effort through their planning
21 effort and through their outreach efforts.

22 And then perhaps explore some of the other items
23 that I've said. I understand what Mr. Jones said about
24 resources for some of these items. But perhaps we can
25 explore some of these ideas like incorporating some

1 zero-waste concepts into planning documents and providing
2 some training opportunities for recycling staff that would
3 incorporate zero-waste concepts. And then, finally, at
4 the discretion of the Chair, perhaps have either some
5 further direction to a standing committee or establishment
6 of a special committee to pursue some of these things, as
7 appropriate.

8 CHAIRPERSON MOULTON-PATTERSON: Would that fit
9 into the Budget and Admin Committee or -- don't we take up
10 the executive part of the -- we have in the past. So
11 rather than start another committee, couldn't we do that
12 at the Budget Committee? I think that that would be --
13 those of us that have served on it, we haven't been as
14 loaded down as some of the other committees. And so I
15 think that might be appropriate.

16 BOARD MEMBER JONES: Madam Chair?

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

18 BOARD MEMBER JONES: I can appreciate the
19 management issues, but -- I guess it's management issues
20 to oversee this. The strategic plan was put together with
21 Board member participation and exec staff. The exec staff
22 did the majority of the work. And I would worry that if
23 we're giving a charge to the Executive Director for him
24 and his staff to come back to us with ideas on this
25 strategic plan implementation program and we start

1 involving committees or analysts and all those other
2 things, what we're going to get is a very different
3 product than if we just left it with the executive team to
4 develop this work and then give it to the six of us to
5 where we can make a decision on what goes and what doesn't
6 go.

7 When it goes into a committee, it becomes the
8 baby of the Committee and may not fully represent the full
9 views of the six. I'm not saying we have issues here.
10 But I mean we've got an executive director and we've got a
11 good executive team that we're holding responsible for
12 these programs. They should be allowed to do their work.
13 We should not micro-manage that process. That would be my
14 view. I mean I agree with giving staff this
15 recommendation. I agree with Mr. Paparian's idea of
16 adding a few of his ideas that are in there.

17 But then I think we give that work to staff and
18 tell them, "Develop the agenda item. Work it through your
19 executive team and whatever the proper staffers are. And
20 then bring it back in a presentation to this Board, and
21 we'll make a call as to whether we like it not." As
22 opposed to running it by committee. That would be a
23 suggestion.

24 CHAIRPERSON MOULTON-PATTERSON: I'll get back to
25 you, Mr. Paparian, for a reaction. But I just wanted to

1 say, you know, I would have no problem with that as long
2 as, as you're working on it, that Board members or
3 advisors could be part of the process. I mean they would
4 not be excluded.

5 EXECUTIVE DIRECTOR LEARY: There'll be no effort
6 to exclude anyone. I think, as Mr. Jones directs us, it's
7 our challenge to turn the direction -- the general
8 directions you provided and the good ideas that you
9 provided into specific actions with specific resources
10 associated with it, and we will do that.

11 And then we will -- I have a regular meeting with
12 all the members. And of course advisors are never
13 excluded from those discussions. That will continue.
14 I'll keep you up to date on our progress in turning the
15 general into the specifics. And then ultimately we will
16 come back before the full Board. If we want to do a step
17 in between and come -- the month we're intending to come
18 to the Board, we go the Budget Admin first, that's not a
19 problem.

20 But I'd like -- as Mr. Jones suggested, I'd like
21 an opportunity to, as we come to decisionmaking time, to
22 address the Board in its entirety because of the breadth
23 of the strategic plan and its importance to the whole
24 organization.

25 CHAIRPERSON MOULTON-PATTERSON: Absolutely. I

1 never intended it not to go to the full Board.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Yeah, Madam Chair. Mr.
4 Jones's points are well taken, particularly that -- in the
5 sense that he put a lot of energy into development of this
6 strategic plan and ought to be part of whatever
7 discussions take place in terms of moving forward with
8 this strategic plan. And if that takes, you know, coming
9 back to the full Board, so be it.

10 But I would just like to leave the Chair the
11 discretion if in working with the Executive Director
12 there's a feeling that some of these issues really need to
13 be hashed out in a different way, in a more intense way,
14 in a way that might be more appropriate in a special
15 committee or a committee structure, I'd like to give this
16 Chair that discretion. If it doesn't turn out that way
17 and it just comes back to the full Board, fine. But if in
18 working this through if some more work is needed before it
19 comes to the full Board, through either a special
20 committee or a standing committee, I'd like to have that
21 option available to the Chair.

22 CHAIRPERSON MOULTON-PATTERSON: Thank you.

23 Mr. Cannella.

24 BOARD MEMBER CANNELLA: One of the things that --
25 and I certainly have all the confidence in the world that

1 the staff could do that. One of the things that I would
2 be concerned about is that when you get into that mode and
3 you get into that kind of a discussion, there are rules
4 that are set: We can't do this because of that. We only
5 have this amount of money to do that.

6 If we're going to develop a strategy for a report
7 back, it ought to be done in a sense that there are no
8 restrictions, there are no monetary considerations. What
9 would we do to promote this? And what you find when you
10 get into that kind of a staff discussion is everybody is
11 playing by a rule. And I don't think that we're going to
12 get innovative, creative ways to approach a policy for
13 zero waste if we're operating under all these rules that
14 govern how much money you can spend, how many staff people
15 you have. I think the ideas need to be fresh, they need
16 to be unencumbered. And they ought to be put forth to
17 this Board. Then we make the decisions -- or you make the
18 decisions about how much money and staff you're willing to
19 commit.

20 But I think the initial report ought to be based
21 on the ingenuity, the creativity of the folks that are
22 involved, and not fiscal constraints, policy constraints,
23 personnel constraints. Because I think what you do is get
24 a little narrow recommendation about what you can and you
25 can't do, and I don't think that serves anybody's purpose.

1 CHAIRPERSON MOULTON-PATTERSON: I certainly
2 agree. Thank you.

3 So we'll go forward and --

4 EXECUTIVE DIRECTOR LEARY: I think just to
5 respond to Board Member Cannella's point, I think we're
6 right on target. As I defined this morning we envision
7 kind of a three-step process.

8 These first three months we're addressing the
9 goals generally, getting general direction as you provided
10 here today.

11 Then staff will come back with that menu of all
12 these general directions that you've given us and come up
13 with a prioritization. And we will describe our scheme
14 for prioritization about all of these activities,
15 unencumbered by financial aspects or resources.

16 Then you will concur with our prioritization,
17 suggest something differently. And then we'll take the
18 specific highest priority activities, and then we'll apply
19 a screen of what kind of resources we have available to us
20 once you have defined our highest priority activities of a
21 new direction or an expanded activity of a current
22 direction. So I think we're in sync.

23 CHAIRPERSON MOULTON-PATTERSON: And I think we
24 all agree, staff and the Board, that we spent a lot of
25 time on the strategic plan and that's what should be

1 driving our resources, both personnel and budget. And,
2 you know, otherwise it's a worthless document.

3 So I appreciate all your work on this. Thank
4 you.

5 Okay. Moving right along to Special Waste.

6 I'd like to call on the new Chair, Mr. Medina,
7 for a report.

8 VICE CHAIRPERSON MEDINA: Thank you, Madam Chair.

9 I'd like to report on the following:

10 From the Special Waste Division we heard items
11 that mainly pertained to scopes of work and contractors
12 for both tires and oil. The majority of these items
13 dealing with contracts enjoyed Committee's fiscal
14 consensus.

15 We also heard the item on an emergency regulation
16 package to assess penalties to waste-tire haulers
17 violating the laws and regulations.

18 From the Waste Prevention and Market Development
19 Committee, we heard items that dealt with compliance
20 agreements as well as market development issues such as
21 the post-consumer resident quality assurance and testing
22 protocol. We heard an item on sustainable building that
23 enjoys fiscal consent.

24 And, finally, we heard Item Number 56 on
25 conversion technologies. Because of the nature of the

1 item and the discussions that ensued, this item will be
2 heard before the entire Board.

3 And that is all. And it's a pleasure to serve as
4 the Chair of this Committee.

5 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
6 Medina.

7 I'd also like to thank Shirley Willed-Wagner for
8 all of her hard work as the acting Deputy Director of
9 Special Waste and welcome Jim Lee as the new Deputy
10 Director.

11 DEPUTY DIRECTOR LEE: Thank you, Madam Chair and
12 members of Board.

13 I'll present these items in quick order. Most of
14 them, as Mr. Medina has already mentioned, were approved
15 on fiscal consent at the Budget and Admin Committee.

16 Item 44, consideration of contractor for
17 re-refined oil outreach, Fiscal Year 2002-2003, Used Oil
18 Fund Contract Concept Number 0-34. The item was heard and
19 recommended for Board consent by the Special Waste and
20 Market Development Committee and the Budget and
21 Administration Committee. The item was revised to reflect
22 the name of the proposed contractor. Staff recommends
23 that the Board approve California State University,
24 Dominguez Hills, as the contractor for this contract and
25 approve Resolution 2003-4 as revised.

1 BOARD MEMBER JONES: Madam Chair?

2 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: I'll move adoption of
4 Resolution 2003-4 revised, consideration of the approval
5 of a contractor for the re-refined oil outreach, Fiscal
6 Year '02-'03, Used Oil Program Concept Number 0-34, and
7 approve California State University, Dominguez Hills as
8 the contractor.

9 VICE CHAIRPERSON MEDINA: Second.

10 CHAIRPERSON MOULTON-PATTERSON: Thank you.

11 We have a motion by Mr. Jones, seconded by Mr.
12 Medina, to approve Resolution 2003-4 revised.

13 Please call the roll.

14 SECRETARY WADDELL: Cannella?

15 BOARD MEMBER CANNELLA: Aye.

16 SECRETARY WADDELL: Jones?

17 BOARD MEMBER JONES: Aye.

18 SECRETARY WADDELL: Medina?

19 VICE CHAIRPERSON MEDINA: Aye.

20 SECRETARY WADDELL: Paparian?

21 BOARD MEMBER PAPARIAN: Aye.

22 SECRETARY WADDELL: Washington?

23 BOARD MEMBER WASHINGTON: Aye.

24 SECRETARY WADDELL: Moulton-Patterson?

25 CHAIRPERSON MOULTON-PATTERSON: Aye.

1 Item 45.

2 DEPUTY DIRECTOR LEE: Item 45 is consideration of
3 the allocation to supplement the 2004 used oil recycling
4 conference contract concept to add household hazardous
5 waste to the conference, and consideration of the scope of
6 work for the 2004 used oil recycling and household
7 hazardous waste conference contract, Fiscal Year 2002-3,
8 Oil Fund Contract Concept Number 0-32.

9 Staff requested to supplement the existing
10 Board-approved allocation of \$65,000 for the annual used
11 oil forum with an additional \$45,000. This would allow
12 for the inclusion of the annual household hazardous waste
13 conference in a combined event.

14 This item was heard and recommended for Board
15 consent by the Special Waste and Market Development
16 Committee and the Budget and Administration Committee.
17 Therefore, staff recommends approval of Resolution
18 2003-07.

19 BOARD MEMBER JONES: Madam Chair.

20 CHAIRPERSON MOULTON-PATTERSON: Thank you.

21 Mr. Jones.

22 BOARD MEMBER JONES: I got an E-mail. I think
23 all the members did. I had asked during the special waste
24 hearing the combination of these two events. Even though
25 we're augmenting the contract, we actually see a savings

1 to the overall program and then to the local programs that
2 use our -- or use their grants to fund sending people to
3 these somewhere in excess of about 240 grand.

4 DEPUTY DIRECTOR LEE: Yes, Mr. Jones. I think it
5 was -- I think it was actually some \$150,000 I think we
6 identified in kind of net savings, if you will.

7 BOARD MEMBER JONES: Of 150,000. So while
8 spending money, there's a net savings to the State and to
9 the programs of over \$150,000.

10 So with that, I will move adoption of Resolution
11 2003-07, consideration of the allocation to supplement the
12 2004 used oil recycling conference contract concept to add
13 household hazardous waste to the conference, and
14 consideration of a scope of work for the 2004 used oil
15 recycling and household hazardous waste conference
16 contract 2002-2003, Concept Number 0-32.

17 VICE CHAIRPERSON MEDINA: Second.

18 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
19 motion by Mr. Jones, seconded by Mr. Medina, to approve
20 Resolution 2003-07.

21 Without objection, substitute the previous roll
22 call.

23 Forty-six.

24 DEPUTY DIRECTOR LEE: Item 46 is consideration of
25 the contractor for the 2004 used oil recycling and

1 household hazardous waste conference contract, Fiscal Year
2 2002-3, Oil Fund Contract Concept Number 0-32.

3 Staff recommends that California State
4 University, Sacramento be approved as a contractor for
5 this contract. The item was heard and recommended for
6 consent by the Special Waste and Market Development
7 Committee and the Budget and Administration Committee.
8 The item has been revised to reflect the name of the
9 proposed contractor.

10 Therefore, staff recommends the Board approve
11 Resolution 2003-07.

12 CHAIRPERSON MOULTON-PATTERSON: Six.

13 DEPUTY DIRECTOR LEE: Excuse me -- 2003-06 as
14 revised, and the selection of California State University,
15 Sacramento as the contractor for this contract.

16 BOARD MEMBER WASHINGTON: Madam Chair.

17 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

18 BOARD MEMBER WASHINGTON: Madam Chair, I move
19 adoption of Resolution 2003-06, consideration of contract
20 for the 2004 used oil recycling and household hazardous
21 waste conference contract, Fiscal Year 2002-2003, Oil Fund
22 Contract Concept Number 0-32.

23 VICE CHAIRPERSON MEDINA: Second.

24 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
25 motion by Mr. Washington, seconded by Mr. Medina, to

1 approve Resolution 2003-06 revised.

2 Without objection, please substitute the previous
3 roll call.

4 Number 47.

5 DEPUTY DIRECTOR LEE: Item 47 is consideration of
6 adoption of emergency regulations to specify the amounts
7 for the imposition of administrative civil penalties
8 against waste and used tire haulers. This item was heard
9 by the Special Waste and Market Development Committee.
10 Revisions were requested and approved by the Committee.
11 These revisions will be discussed and a presentation be
12 made this afternoon by -- is to be made to the Board this
13 afternoon by Wendy Breckon of the Legal Office.

14 STAFF COUNSEL BRECKON: Good afternoon. I'm
15 staff counsel at the Legal Office.

16 (Thereupon an overhead presentation was
17 Presented as follows.)

18 STAFF COUNSEL BRECKON: Today we're here to
19 discuss the adoption of emergency regulations to specify
20 the amounts for the imposition of administrative civil
21 penalties against waste and used tire haulers.

22 First off, I have to make note that it should be
23 Resolution 67 and not Resolution 47.

24 --o0o--

25 STAFF COUNSEL BRECKON: The reason why we went

1 forward with these regs is that SB 876 changed the maximum
2 administrative penalty from \$1,000 to \$5,000. And it also
3 stated that the Board should impose regulations that
4 specify the amount of administrative civil penalties.

5 We're proposing the penalty schedule at
6 Attachment 1 of the agenda item. If you'd just take a
7 look at that. We went through this with the Special Waste
8 Committee.

9 And in the first table, you can see that the
10 penalties increase as the number of offenses increase.
11 And we were told to revise PRC 42952(b), which is falsely
12 representing oneself as a registered waste tire hauler.
13 And we were to revise those amounts to \$2,000 for the
14 first offense up to \$4,000 for the second offense and up
15 to \$5,000 for the third offense.

16 And then in addition where it says, fourth box
17 down, PRC 42956, where we're supposed to -- the violation
18 is not affixing the decal in the lower right hand corner
19 of the windshield. The second offense was revised to up
20 to \$3,000 and the third offense was revised to up to
21 \$5,000.

22 In addition we deleted the second box up from the
23 bottom, which it says 14 CCR 18456.2(d), because it is
24 largely duplicative.

25 And if you look at the second table, Penalty

1 Table 2, there are no revisions to that. And the tire
2 penalties -- the penalties for unregistered haulers
3 increased as the number of tires increased.

4 The range of penalties for the tire hauler
5 violations is modeled on the method proposed for the tire
6 facility penalties. So that's how we came up with them.

7 --oOo--

8 STAFF COUNSEL BRECKON: The advantages of the
9 proposed penalty schedule is that there's a greater degree
10 of predictability for the regulated community and it
11 allows for more efficient and timely prosecution of
12 violations.

13 So the options for the Board today are:

14 To adopt the emergency regulations to specify the
15 amounts of the administrative penalty based on the type of
16 violation and level of culpability for the tire hauler
17 violation as outlined in the tables in the revised
18 Attachment 1; or to specify changes to Attachment 1; or to
19 direct staff to adopt emergency regulations to revise the
20 maximum penalty in this section to 5,000, consistent with
21 statute; or to provide other direction to staff.

22 And staff recommends that the Board approve
23 Option Number 1 and adopt Resolution 2003-67.

24 Any questions?

25 CHAIRPERSON MOULTON-PATTERSON: Thank you.

1 Mr. Jones.

2 BOARD MEMBER JONES: Madam Chair, I'll move
3 adoption Resolution 2003-67 revised to include the revised
4 table of penalties.

5 VICE CHAIRPERSON MEDINA: Second.

6 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
7 motion by Mr. Jones, seconded by Mr. Medina, to approve
8 Resolution 2003-67 revised.

9 Without objection, please substitute the previous
10 roll call.

11 Number 48.

12 DEPUTY DIRECTOR LEE: Item 48 is consideration of
13 contractor for remediation services at the Tracy Tire Fire
14 Site. It's Tire Recycling Management Fund, Fiscal Year
15 2002-3 through 2005-6. Special Waste and Market
16 Development Committee and the Budget and Administration
17 Committee heard, considered and recommend the Board
18 consent of staff's request for approval of SUKUT
19 Engineering as a contractor to this contract. The item
20 has been revised to reflect the name of the proposed
21 contractor.

22 Staff requests approval of Resolution Number
23 2003-08 as revised and approval of SUKUT Engineering as
24 the contractor for remediation services at the Tracy Tire
25 Fire Site.

1 CHAIRPERSON MOULTON-PATTERSON: Okay.

2 VICE CHAIRPERSON MEDINA: Madam Chair?

3 CHAIRPERSON MOULTON-PATTERSON: Mr. Medina.

4 VICE CHAIRPERSON MEDINA: I'd like to move
5 Resolution 2003-8 revised, consideration of contractor for
6 remediation services at the Tracy Tire Fire Site, Tire
7 Recycling Management Fund, Fiscal Year 2002-03 through
8 Fiscal Year 2005-06.

9 BOARD MEMBER WASHINGTON: Second.

10 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
11 motion by Mr. Medina, seconded by Mr. Washington, to
12 approve Resolution 2003-8.

13 Without objection, please substitute the previous
14 roll call.

15 Number 49.

16 DEPUTY DIRECTOR LEE: Number 49 is consideration
17 of contractor for the Oversight of Civil Engineering
18 Applications Using Waste Tires/Incentive Contract. This
19 is the Tire Recycling Management Fund, Fiscal Year 2002-3.
20 The Special Waste and Market Development and the Budget
21 and Administration Committees heard, considered, and
22 recommended Board consent of staff's request for approval
23 of Brian A. Stirrat Associates as the contractor for this
24 contract. The Resolution has been revised to reflect the
25 name of the proposed contractor.

1 Therefore, staff requests approval of Resolution
2 Number 2003-09 as revised and approval of Brian A. Stirrat
3 Associates as the contractor for Oversight of Civil
4 Engineering Applications Using Waste Tires/Incentive
5 Contract.

6 CHAIRPERSON MOULTON-PATTERSON: Okay.

7 BOARD MEMBER JONES: Madam Chair?

8 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

9 BOARD MEMBER JONES: I'll move adoption of
10 Resolution 2003-09 revised, consideration of contractor
11 for Oversight of Civil Engineering Application Using Waste
12 Tire/Incentive Contract, Tire Recycling Management Fund,
13 2002-3, and approve Brian A. Stirrat as our contractor.

14 BOARD MEMBER CANNELLA: Second.

15 CHAIRPERSON MOULTON-PATTERSON: Okay. Motion by
16 Mr. Jones, seconded by Mr. Cannella, to approve Resolution
17 2003-09.

18 Without objection, please substitute the previous
19 roll call.

20 Number 50.

21 DEPUTY DIRECTOR LEE: Madam Chair, Item 50 I
22 think I'll move to the podium to discuss since there
23 probably will be a little additional discussion on that
24 and it will give me a better opportunity to interact with
25 staff, if necessary.

1 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

2 As you're doing that, Ms. Waddell, do we have any
3 speakers on 52, 55 or 56?

4 SECRETARY WADDELL: Fifty-six.

5 CHAIRPERSON MOULTON-PATTERSON: We do? Because
6 it was my intent that this would be the last item, we will
7 come back at 9:30 tomorrow morning, and then do these
8 three items, have our closed session, and then do our
9 swearing in. But if this person that has waited all
10 day -- we can at least take up 56.

11 Is that the only speaker's slip?

12 SECRETARY WADDELL: Just one.

13 CHAIRPERSON MOULTON-PATTERSON: Okay. Thank you.

14 I'm sorry, Mr. Lee. Number 50.

15 (Thereupon an overhead presentation was
16 Presented as follows.)

17 DEPUTY DIRECTOR LEE: Madam Chair, members of the
18 Board, Item 50 is consideration of the scope of work for
19 the Engineering and Environmental Services Contract. This
20 is Tire Recycling Management Fund, Fiscal Year 2002-3.

21 This item was heard and considered by the Special
22 Waste and Market Development Committee and recommended for
23 approval to the Board on a 3-0 vote with one abstention.

24 There were issues raised during the course of the
25 Committee's discussion which we will discuss -- which we

1 will go over in our presentation. These issues are
2 reflected to the extent possible in the revised agenda
3 item of resolutions which we are bringing forward to the
4 Board this afternoon.

5 Based upon the proposed scope of work for this
6 contract, the Board will solicit an engineering contractor
7 to help provide education, design and technical assistance
8 to local and state government agencies and private
9 entities who want to use waste tires in civil engineering
10 applications.

11 The engineering consultant will also provide
12 construction management oversight on projects in which
13 waste tires are used as lightweight fill, vibration
14 attenuation layers, erosion control, and other civil
15 engineering applications.

16 As you can see from the slide, the civil
17 engineering applications represent one potential
18 productive end use for waste tires that staff believes has
19 great potential.

20 --o0o--

21 DEPUTY DIRECTOR LEE: As noted on this slide,
22 tires can be used in various applications. They can be
23 used to substitute for virgin raw materials such as bark
24 or rock or those that require energy to produce or have to
25 be refined from petroleum products.

1 --o0o--

2 DEPUTY DIRECTOR LEE: On the I-880 Dixon Landing
3 Interchange Project approximately 660,000 tires were used
4 in place of conventional fill materials, saving the State
5 an estimated \$250,000.

6 The questions or issues that were raised at the
7 Special Waste and Market Development Committee included
8 the following:

9 Was the scope of work too narrowly focused to
10 preclude consideration by the broadest range of
11 engineering contractors?

12 In a similar vein a question was raised about the
13 desirability of breaking the scope of work into two or
14 three sub-components to be bid separately to encourage
15 broader participation by the consultant community.

16 And, finally, an issue was raised about the
17 desirability of developing more waste tire expertise in
18 California and in local universities.

19 In response to these concerns, staff re-reviewed
20 the scope of work. We conclude, however, that none of the
21 tasks identified in the scope of work were so specific or
22 so narrowly defined so as to limit or preclude
23 participation by most engineering consultants.

24 We did, however, remove language in the agenda
25 item summary and the "work to be performed" section of the

1 scope of work, which referenced "ongoing work being
2 conducted under the current or previous iterations of this
3 contract." These changes were made to make it clear that
4 it's the Board's intent to solicit participation by the
5 broadest segment possible of the consultant community.

6 With regard to the issue of subdividing the scope
7 of work, staff concluded that multiple contracts would be
8 relatively inefficient and not cost effective. Multiple
9 contracts would also create additional burden on staff to
10 administer, which we feel is an important consideration in
11 these times of staff shortage and fiscal austerity.

12 We would want to bring to the Board's attention,
13 however, that under the existing contract that
14 subcontractors are being utilized, effectively increasing
15 involvement by multiple parties to good effect.

16 Staff does concur that developing expertise in
17 California is desirable. We would note that under the
18 existing engineering and environmental services in other
19 contracts ongoing training has been conducted at many
20 venues specifically with this aim in mind.

21 In conclusion, staff recommends the Board approve
22 the scope of work for the Engineering and Environmental
23 Services Contract and adopt Resolution 2003-10 as revised.

24 CHAIRPERSON MOULTON-PATTERSON: Thank you.

25 Mr. Paparian.

1 BOARD MEMBER PAPARIAN: Madam Chair, I'm the one
2 who brought up a number of these concerns at the Committee
3 meeting. And I think that -- I mean this has become known
4 as the Dana Humphrey contract. He's had this contract for
5 several years. And I raised two years ago the issue of
6 whether we could, in an expeditious way, develop the
7 expertise in California to have the expertise closer to
8 home rather than contracts of a quarter million dollars
9 going to a professor from the University of Maine.

10 But be that as it may, with the situation here
11 with Item 50, even with the staff changes, I think taken
12 in discrete tasks a number of bidders in California might
13 be possible. Taken as a package, it still looks and
14 smells to me like Dana Humphrey will probably get this
15 contract, and that it feels more like a sole-source
16 contract than something that we're going to put out to a
17 truly effective bid.

18 I also understand, you know, the suggestion that
19 it be cut in two or three pieces is a difficult challenge
20 given the extreme pressure that tire staff is under to
21 crank out a lot of contracts and get a lot of the work
22 done with the understaffing situation.

23 So I'm not going to recommend rejection. I'm not
24 going to vote against this. But I just don't feel
25 comfortable given what feels to me to be like a

1 sole-source type situation that's going to wind up going
2 to Dana Humphrey that I can vote for. And so I'll be
3 abstaining.

4 When we come back -- the staff has also provided
5 at my request some information about past billings for Mr.
6 Humphrey. When we come back for the granting of this, I
7 may have some questions about the markup and so forth in
8 here. But I think that's probably more appropriate when a
9 contract is actually awarded.

10 It's not -- it's certainly okay under the Oracle
11 situation to have sole-source contracts in California.
12 There's just a different process that it needs to go
13 through when you have sole-source contracts. And as I
14 say, to me personally it feels more like a sole-source
15 contract, and so I just don't feel comfortable voting for
16 it under this process.

17 BOARD MEMBER WASHINGTON: Madam Chair?

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Jones.

19 BOARD MEMBER JONES: Madam Chair, we had this
20 discussion at Special Waste. And while I can understand
21 some of Mr. Paparian's issues, I think the overriding
22 issue is the fact that this state leads the nation in tire
23 recycling activity and tire work. Everybody looks to this
24 state for what we do. And we have that reputation because
25 of Dana Humphrey.

1 You know, I mean I had suggested at the Committee
2 meeting that when we do our five-year tire plan update,
3 that we look at an allocation of dollars to train some
4 people in California. But I certainly am going to support
5 this because I don't want to see this -- I mean I want to
6 stay number one. I mean Dana Humphrey was -- as well as
7 our engineering staff was able to get an awful lot of work
8 done through CalTrans because of their ability and
9 understanding and -- you know.

10 I don't think it's a sole-source contract. If
11 Brian Stirrat or Geosyntech or anybody else wants to put a
12 team together and bid this, that's fine. But right now
13 this looks like a proposal that can go out to a lot of
14 people. And if they've got the expertise, fine. If they
15 don't have the expertise, I don't think we ought to hire
16 them. I think we ought to go with the best.

17 BOARD MEMBER WASHINGTON: Madam Chair?

18 CHAIRPERSON MOULTON-PATTERSON: Mr. Washington.

19 BOARD MEMBER WASHINGTON: I too had raised some
20 issues at the Special Waste Committee meeting regarding
21 sole-source contracts. And at the same time I also
22 recognized that Dr. Humphrey bid on this contract as well
23 as anyone else did. And I'm not in a position at this
24 time to hold up the contract for him based on the fact
25 that he bid for it. Whether it's sole source or not, he

1 did go through the process of getting this contract, and
2 so I'm in support of it. And I'd like to move adoption of
3 Resolution 2003-10, consideration of scope of work for the
4 Engineering and Environmental Services Contract, Tire
5 Recycling Management Fund, Fiscal Year 2002-2003.

6 DEPUTY DIRECTOR LEE: Madam Chair, may I make a
7 comment to respond to Mr. Paparian's remarks before the
8 Board takes a vote on this issue, for the record?

9 CHAIRPERSON MOULTON-PATTERSON: Certainly.

10 DEPUTY DIRECTOR LEE: Again, Professor Humphrey
11 has been the successful bid on the last two iterations of
12 this contract. He was successful because of the wealth
13 and breadth of his background on tire related issues.

14 But we did not put this out to a sole-source
15 contract. It is not designed, you know, to be a
16 sole-source contract. The scope-of-work provisions are
17 generic and, again, as broad as we can make them, again to
18 encourage participation from the broadest segment of the
19 consultant community that we can. And we encourage that
20 participation.

21 So, again, I just wanted the record to reflect
22 that, you know, that we did follow the correct process for
23 requesting RFQs and we have, in staff's opinion, put out a
24 scope of work which, you know, is reflective of those
25 requirements, you know, to solicit that participation.

1 CHAIRPERSON MOULTON-PATTERSON: We have a motion.

2 I do have a question. But if someone wants to
3 second it --

4 BOARD MEMBER CANNELLA: Second.

5 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
6 motion by Mr. Washington, seconded by Mr. Cannella, for
7 approval of the scope of work.

8 And, you know, I certainly admire Dr. Humphrey.
9 And, you know, as Mr. Jones says, he is probably the
10 expert, the national expert.

11 I'm just not understanding, you know -- looking
12 at the date of, you know, these invoices, on June 1st,
13 1999, we paid 37 -- almost \$38,000 for travel expenses,
14 printing, and mark up. That seems like a huge amount of
15 money. And the other ones are like 4,000.

16 Why was that so big?

17 CONTRACTS MANAGER VILLA: I would have to defer
18 to Program for the specifics. But this is the detail that
19 Mr. Paparian was talking about that -- when everybody has
20 an opportunity to thoroughly review it, that we could
21 address those questions at the time of award.

22 CHAIRPERSON MOULTON-PATTERSON: So we could vote
23 for the scope today and then still question this?

24 CONTRACTS MANAGER VILLA: Yes.

25 CHAIRPERSON MOULTON-PATTERSON: Is that what

1 you're saying?

2 CONTRACTS MANAGER VILLA: Yes.

3 CHAIRPERSON MOULTON-PATTERSON: Okay. We have a
4 motion by Mr. Washington, seconded by Mr. Cannella, to
5 approve scope of work, Resolution 2003-10.

6 Please call the roll.

7 SECRETARY WADDELL: Cannella?

8 BOARD MEMBER CANNELLA: Aye.

9 SECRETARY WADDELL: Jones?

10 BOARD MEMBER JONES: Aye.

11 SECRETARY WADDELL: Medina?

12 VICE CHAIRPERSON MEDINA: Aye.

13 SECRETARY WADDELL: Paparian?

14 BOARD MEMBER PAPARIAN: Abstain.

15 SECRETARY WADDELL: Washington?

16 BOARD MEMBER WASHINGTON: Aye.

17 SECRETARY WADDELL: Moulton-Patterson.

18 CHAIRPERSON MOULTON-PATTERSON: Aye.

19 BOARD MEMBER PAPARIAN: And, Madam Chair, if I
20 could just briefly add. My questions here are in no way
21 intended to disparage Mr. Humphrey's work. I understand
22 he has done fantastic work on behalf of the State of
23 California; he, you know, is one of the top, if not the
24 top expert, in this field.

25 So my comments and questions about this contract

1 and issues related to it and the development of expertise
2 in California are not intended in any way to reflect on
3 any belief that he doesn't do good work.

4 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
5 Paparian.

6 I had intended to stop for today. But Mr.
7 Mohajer has been sitting here all day. And so why don't
8 we go ahead and hear 56, and then we can let Mr. Mohajer
9 speak on it.

10 And then tomorrow what I plan to do is, we will
11 have a closed session right at 9:30. That should be about
12 a half an hour. And then approximately 10:00 or so we'll
13 come back and take up 52 and 55. And then we'll,
14 following that, at approximately 11:00 o'clock have Ms.
15 Peace's swearing in.

16 MR. MOHAJER: Thank you, Madam Chair. If I
17 could --

18 CHAIRPERSON MOULTON-PATTERSON: Should we give
19 the report first or --

20 MR. MOHAJER: I would be missing my flight.

21 CHAIRPERSON MOULTON-PATTERSON: Oh, you'll be
22 missing your flight.

23 Okay. Go ahead and testify.

24 MR. MOHAJER: I appreciate that.

25 CHAIRPERSON MOULTON-PATTERSON: And then we'll

1 take it into consideration. And we can either do 56 right
2 then or however.

3 Mr. Mohajer, sorry.

4 MR. MOHAJER: Thank you, Madam Chair, members of
5 the Board. My name is Mike Mohajer, in this item
6 representing Los Angeles County as well as the Los Angeles
7 County Integrated Waste Management Task Force.

8 A couple of minor issues that I looked at the
9 scope of work. The first issue is that we want to make
10 sure as part of the study we compare conversion technology
11 impact versus land filling impacts. So that is pretty
12 important.

13 And the second issue, that I would like the scope
14 of work to be expanded to include is the cost benefit of
15 the conversion technology versus landfill versus
16 recycling. And that is not at risk in this report.

17 So you would also know, that as a part of the Los
18 Angeles County, now we are requiring the landfill
19 operators, that they come before -- to get a permit --
20 conditional-use permit from the county to also provide
21 funding for doing the further study on conversion
22 technology and also providing assistance in siting
23 demonstration facility.

24 The first one that has gone through has been
25 Puente Hills Landfill that is -- the permit is final. And

1 for Puente Hills we have a commitment of \$1 million toward
2 development of study of conversion technologies. And
3 we're going to be looking forward to -- with your
4 approval, to work with your staff on the conversion
5 technology.

6 Having said that, I was going to talk to you --
7 which is going to be at a later date -- about the local
8 control throughout the U.S. landfill disposal reporting
9 system. These were the items that I was going to try to
10 add during the public comment period. And I would do that
11 at a later date.

12 Thank you very much for giving me the
13 opportunity.

14 CHAIRPERSON MOULTON-PATTERSON: Thank you, Mr.
15 Mohajer. And we will certainly take your comments into
16 consideration.

17 Because there are quite a few comments and
18 discussion on this one and we've had a very long day, we
19 will take it up tomorrow with the rest of the Waste
20 Prevention and Market Development agenda.

21 So at this time we will stop for the day. And
22 we'll reconvene tomorrow morning at 9:30 for closed
23 session.

24 (Thereuon the California Integrated Waste
25 Management Board meeting recessed at 4:20 p.m.)

1 CERTIFICATE OF REPORTER

2 I, JAMES F. PETERS, a Certified Shorthand
3 Reporter of the State of California, and Registered
4 Professional Reporter, do hereby certify:

5 That I am a disinterested person herein; that the
6 foregoing California Integrated Waste Management Board
7 meeting was reported in shorthand by me, James F. Peters,
8 a Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said meeting nor in any
12 way interested in the outcome of said meeting.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 24th day of January, 2003.

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22
23 JAMES F. PETERS, CSR, RPR
24 Certified Shorthand Reporter
25 License No. 10063